

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 51]

नई दिल्ली, शनिवार, दिसम्बर 19, 1992/अग्रहायण 28, 1914

No. 51]

NEW DELHI, SATURDAY, DECEMBER 19, 1992/AGRAHAYANA 28, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी की गई सांख्यिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

वैधि और न्याय मंत्रालय
(विविध कार्य विभाग)
न्यायिक अनुभाग
सूचना

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS
(Department of Legal Affairs)
JUDICIAL SECTION
NOTICE

नई दिल्ली, 6 नवम्बर, 1992

New Delhi, the 6th November, 1992

का. आ. 3068:—नोटरीज नियम, 1956 के
नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना
दी जाती है कि श्री राघवेंद्र गुप्ता एडवोकेट ने उक्त
प्राधिकारी को उक्त नियम के नियम 4 के अन्तर्गत एक
आवेदन इस बात के लिए दिया है कि उसे जिला अलीगढ़
(उ.प्र.) व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति
पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के
चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

S.O. 3068.—Notice is hereby given by the Competent
Authority in pursuance of Rule 6 of the Notaries Act, 1956
that application has been made to the said Authority, under
Rule 4 of the said Rules, by Raghendra Gupta Advocate
for appointment as a Notary to practise in Distt. Aligarh
(U.P.).

2. Any objection to the appointment of the said person
as a Notary may be submitted in writing to the undersigned
within fourteen days of the publication of this notice.

[सं. 5(242)/92-न्यायिक]

[No. F. 5(242)/92-Judl]

पी. सी. कण्णन, सक्षम प्राधिकारी

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 9 नवम्बर, 1992

का. घा. 3069 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एम. के. श्रीनिवास आर्यंगर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बंगलौर (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(244)/92-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 9th November, 1992

S.O. 3069.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. M. K. Srinivasa Iyengar Advocate for appointment as a Notary to practise in Bangalore (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(244)/92-Judl]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 9 नवम्बर, 1992

का. घा. 3070 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अमर नाथ चटर्जी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के अधीन एक आवेदन इस बात के लिए दिया है कि उसे चौरंगी स्वेथर, आयकर भवन, कलकत्ता (प. बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(245)/92-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 9th November, 1992

S.O. 3070.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Amarnath Chatterjee Advocate for appointment as a Notary to practise in Chowringhee Square, Aayakar Bhavan, Calcutta (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(245)/92-Judl]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 11 नवम्बर, 1992

का. घा. 3071 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एस. सी. ठाकुर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अहमदाबाद (गुजरात राज्य) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(247)/92-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 11th November, 1992

S.O. 3071.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. S. C. Thakur Advocate for appointment as a Notary to practise in Ahmedabad (Gujarat).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(247)/92-Judl]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 11 नवम्बर 1992

का. घा. 3072 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राजकुमार बंल एडवोकेट, के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अजोयढ़ (तहसील कौन) उत्तर प्रदेश में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(249)/92-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 11th November, 1992

S.O. 3072.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956

that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Raj Kumar Bansal Advocate for appointment as a Notary to practise in Aligarh (Tehsil Koil) U.P.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(248)/92-Judl]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 17 नवम्बर, 1992

का.आ. 3073 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री भक्तवचला एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे प्रलसूर (कर्नाटक राज्य) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (249)/92-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 17th November, 1992

S.O. 3073.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Bhaktavachala Advocate for appointment as a Notary to practise in Ulsoor (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(249)/92-Judl]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 18 नवम्बर, 1992

का.आ. 3074 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एम.एस. कानरा एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे दिल्ली संघ क्षेत्र में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (250)/92-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 18th November, 1992

S.O. 3074—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. N. S. Kalra, Advocate for appointment as a Notary to practise in U. T. of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[F. No. 5(250)/92-Judl]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 19 नवम्बर, 1992

का.आ. 3075 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री महेंद्र पाल सिंह राजपूत एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मेरठ सिटी (उत्तर प्रदेश राज्य) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (255)/92-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 19th November, 1992

S.O. 3075.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Mahendra Pal Singh Rajput, Advocate for appointment as a Notary to practise in Meerut City (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(255)/92-Judl]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 20 नवम्बर, 1992

का.आ. 3076 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि सुशी माला शर्मा एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे दिल्ली संघ क्षेत्र में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (235)/92-न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 20th November, 1992

S.O. 3076.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Miss Mala Sharma Advocate for appointment as a Notary to practise in U. T. Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(235)/92-Judl.]

P. C. KANNAN, Competent Authority

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 25 नवम्बर, 1992

स्टाम्प

का.प्रा. 3077:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती जो नेशनल सहकारी विकास निगम द्वारा जारी किए जाने वाले मात्र चालीस करोड़ रुपये के मूल्य के प्रोमिसरी नोटों के स्वरूप में "13% एन.सी.डी.सी. बाण्ड, 2007 (33वीं (शृंखला) के बाण्डों पर उक्त अधिनियम के अंतर्गत प्रभावी है।

[सं. 27/92-स्टाम्प-फा सं. 33/50/92-बि.क.]

आत्मा राम, अधर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 25th November, 1992

STAMPS

S.O. 3077.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes—"13% NCDC Bonds, 2007 (XXXIII Series) of the value of rupees forty crores only to be issued by National Cooperative Development Corporation are chargeable under the said Act.

[No. 27/92-Stamp-F. No. 33/50/92-ST]

ATMA RAM, Under Secy.

(आर्थिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 24 नवम्बर, 1992

का.प्रा. 3078:—औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15) की धारा 10 की उपधारा (1) के खण्ड (क) के अनुसरण में केन्द्रीय सरकार, भारतीय

औद्योगिक विकास बैंक के साथ परामर्श करने के बाद एतद्द्वारा श्री पी.एस. गोपालकृष्णन अध्यक्ष एवं प्रबंध निदेशक इंडियन ओवरसीज बैंक को उनके कार्यभार ग्रहण करने की तारीख से 31 अगस्त, 1994 तक की अवधि के लिए भारतीय औद्योगिक वित्त निगम का अध्यक्ष नियुक्त करती है।

[संख्या एक-7/5/92-बी.ओ.-1]

एम.एस. सीतारामन, अधर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 24th November, 1992

S.O. 3078.—In pursuance of clause (a) of sub-section (1) of section 10 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, after consultation with the Industrial Development Bank of India, hereby appoints Shri P. S. Gopalakrishnan, Chairman and Managing Director, Indian Overseas Bank, as the Chairman of the Industrial Finance Corporation of India for the period with effect from the date of his taking charge and upto 31st August, 1994.

[No. F. 7/5/92-B.O.I.]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 24 नवम्बर, 1992

का.प्रा. 3079:—यतः बैंककारी विनियमन अधिनियम, 1949 की धारा 45 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा उसके अनुसार केन्द्रीय सरकार ने बैंक आफ बिहार जिला पटना के भारतीय स्टेट बैंक के साथ विलय के लिए 5 नवम्बर, 1969 को एक योजना मंजूर की थी।

यतः उक्त योजना के खण्ड 6 के उपखण्ड (9) के अधीन भारतीय स्टेट बैंक द्वारा बैंक आफ बिहार लिमिटेड की परिसंपत्तियों का जिनका नियत तारीख को अंतिम रूप से मूल्यांकन कर लिया गया है नियत तारीख से बारह वर्षों की समाप्ति के पश्चात अंतिम रूप से मूल्यांकन किया जाना अपेक्षित था।

यतः भारतीय स्टेट बैंक ने यह अभ्यावेदन किया है कि बड़ी संख्या में परिसंपत्तियां अस्तित्व होने और बैंक के प्रयासों के बावजूद अधिकांश मदों की वसूलियां अभी बाकी होने के कारण बैंक विलय योजना के खण्ड 6 के उपखण्ड (9) में विनिर्दिष्ट समय के भीतर परिसंपत्तियों का अंतिम रूप से मूल्यांकन करने में असमर्थ रहा।

और यतः केन्द्रीय सरकार भारतीय रिजर्व बैंक के परामर्श करने पर इस बात में संतुष्ट है कि विलय योजना को लागू करने में कठिनाई पैदा हो गई है और उतना समय बढ़ाकर जितने में परिसंपत्तियों का अंतिम रूप से मूल्यांकन अपेक्षित है उक्त कठिनाई को दूर करना जरूरी है।

यतः सर्व बैंक आफ बिहार लिमिटेड पटना का भारतीय स्टेट बैंक के साथ विलय की 5 नवम्बर, 1969 की विलय योजना के खण्ड 20 द्वारा प्रदत्त शक्तियों का प्रयोग करते

हुए केन्द्रीय सरकार एतद्द्वारा निदेश देती है कि भारतीय स्टेट बैंक, भारतीय रिजर्व बैंक के परामर्श से तथा उसके अनुमोदन से बैंक आफ बिहार लिमिटेड की उन परिसंपत्तियों का जिनका वसूली और मूल्यांकन नही हुआ है नियत तारिख से चौबीस वर्ष की अवधि के भीतर मूल्यांकन करेगा।

[संख्या 17/2/83/बो.आ.ए.]

क.क. मंगल, अवर सचिव

New Delhi, the 24th November, 1992

S.O. 3079.—Whereas on 5th November, 1969, a scheme of amalgamation of the Bank of Behar Limited Patna with the State Bank of India was sanctioned by the Central Government in exercise of the powers conferred by and in accordance with Section 45 of the Banking Regulation, Act, 1949;

Whereas under sub-clause (ix) of clause 6 of the said Scheme, the State Bank of India was required to make a final valuation of the assets of the Bank of Behar Limited which have been provisionally valued on the prescribed date, on the expiry of twelve years from the prescribed date;

Whereas the State Bank of India has represented that in view of large number of assets involved and the recovery of most of the items yet to be realised inspite of its efforts, it has not been able to make the final valuation within the time specified in sub-clause (ix) of clause 6 of the scheme of amalgamation;

And whereas the Central Government after consultation with the Reserve Bank of India, is satisfied that a difficulty has arisen in giving effect to the scheme of amalgamation which it is necessary to remove by extending the time within which the final valuation of assets is required to be made;

Now, therefore, in exercise of the powers conferred by clause 20 of the scheme of amalgamation dated 5th November, 1969 of the Bank of Behar Limited, Patna, with the State Bank of India, the Central Government hereby directs that the State Bank of India shall, in consultation with and with the approval of the Reserve Bank of India value the assets of the Bank of Behar Limited, Patna, which have not been realised and valued, within a period of twenty four years from the prescribed date.

[No. 17/2/83-B.O.A.]

K. K. MANGAL, Under Secy.

नई दिल्ली, 24 नवम्बर, 1992

का.आ. 3080 :—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिकारिश पर एतद्द्वारा घोषणा करती है कि उक्त अधिनियम

की धारा 19 की उपधारा (2) के उपबन्ध यूनाइटेड बैंक आफ इण्डिया, कलकत्ता पर 5 नवम्बर, 1992 से 4 नवम्बर, 1994 तक उस सीमा तक लागू नहीं होंगे, जहाँ तक उनका सम्बन्ध गिरामीदार के रूप में भौतर्स निशो लि. की प्रदत्त शेयर पूंजी की उसकी धारिता से है।

[सं. 15/2/91-बो.आ.ए.]

क.क. मंगल, अवर सचिव

New Delhi, the 24th November, 1992

S.O. 3080.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply to United Bank of India, Calcutta from 5th November, 1992 to 4th November, 1994 in respect of its holding shares of M/s. Nibro Limited as pledgee.

[No. 15/2/91-B.O.A.]

K. K. MANGAL, Under Secy.

नई दिल्ली, 27 नवम्बर, 1992

का.आ. 3081—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिकारिश पर एतद्द्वारा घोषणा करती है कि उक्त अधिनियम की धारा II की उपधारा (I) के उपबन्ध गुडर लिमिटेड नेल्लोर, आन्ध्र प्रदेश पर, इस अधिसूचना के भारत के राजपत्र में प्रकाशित होने की तारिख से 31 दिसम्बर 1994 तक अवधि के लिए लागू नहीं होंगे।

[एफ सं. 10 (2)/91-विकास]

तेजिन्दर सिंह लस्चर, संयुक्त निदेशक

New Delhi, the 27th November, 1992

S.O. 3081.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Sub-Section (1) of Section 11 of the said Act shall not apply to the Gudur Urban Cooperative Bank Ltd., Gudur, District Nellore, Andhra Pradesh for the period from the date of publication of this notification in the Gazette of India upto 31st December, 1994.

[F. No. 10(2)/91-Dev]

TEJINDER SINGH LASCHAR, Jt. Director

(नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 16 नवम्बर, 1992

का.आ. 3082 :—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा नीचे अनुसूची में दिए गए उत्पादों की सुरक्षा कोष अधिनियमित करता है।

अनुसूची

क्र. सं.	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहरांकन फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	भवनक सीमेंट मोर्टार के घनों की ढलाई हेतु कम्पन मशीन (घन सांचे हेतु केवल)	आई एस : 10080-1982	एक नम	रु. 0.75	1991-08-01
2.	सीमेंट और कंक्रीट के परीक्षण में प्रयुक्त सांचे (टेम्पलिंग सरिफ और ट्रावेल सहित)	आईएस : 10036-1982	1 नम	रु. 1.00	1991-08-01

[सं. के. प्र. वि./13 : 10]

एन. श्रीनिवासन, अपर महानिदेशक

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 16th November, 1992

S.O. 3082—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby, notifies the marking fee(s) for the products given in the Schedule:

SCHEDULE

Sl. No.	Product/Class of Product	No. and Year of Indian Standard	Unit	Marking fee per unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Vibration machine for casting standard cement mortar cubes (for cube moulds only)	IS : 10080-1982	1 Piece	Re. 0.75	1991-08-01
2.	Moulds for use in tests of cement and concrete (including for tamping bar and trowel)	IS : 10036-1982	1 Piece	Re. 1.00	1991-08-01

[No. CMD/13 : 1

N. SRINIVASAN, Addl. Director General

नई दिल्ली, 16 नवम्बर, 1992

क्र. आ. 3083:—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन फीस अधिसूचित करता है।

अनुसूची

क्र. सं.	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहरांकन फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	सूची बुनी (निटेंड) स्पोर्ट्स शर्ट	आईएस : 4375-1975	100 शर्ट	रु. 3.00	1992-03-01
2.	श्रीखंड	आईएस : 9532-1980	1 टन	रु. 10.00	1992-04-01

(1)	(2)	(3)	(4)	(5)	(6)
3.	हस्त चालित सर्किट ब्रॉडकास्टर	आईएस : 12337—1983	एक सर्किटब्रॉडकास्टर	रु. 0.80	1992-04-01
4.	अवशिष्ट धारा परिचालन नियोजक	आईएस : 12640—1983	एक नमूना	रु. 3.00	1992-03-16

[सं. के. प्र. वि/13 : 10]

एन. श्रीनिवासन, अपर महानिदेशक

New Delhi, the 16th November, 1992

S.O. 3083—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards hereby, notifies the marking fee(s) for the products given in the Schedule :

SCHEDULE

Sl. No.	Product/Class of Product	No. and Year of Indian Standard	Unit	Marking fee per Unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Cotton knitted sports shirts	IS : 4375—1975	100 Shirts	Rs. 3.00	1992-03-01
2.	Shrikhand	IS : 9532—1980	1 Tonne	Rs. 10.00	1992-04-01
3.	Manually operated Fertilizer Broadcaster	IS : 12337—1988	One Broad-caster	Rs. 0.80	1992-04-01
4.	Residual current operated circuit breakers	IS : 12640—1988	One Piece	Rs. 3.00	1992-03-1




[No. CMD/13 : 10]

N. SRINIVASAN, Asst. Director General.

नई दिल्ली, 16 नवम्बर, 1992

क्र. आ. 3084 :—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए भारतीय मानकों सम्बन्धी मानक मुहर के डिजाइन निर्धारित कर दिए गए हैं :

अनुसूची

क्र. सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.		मानक सीमेंट मोर्टार के घनों की बरतई हेतु कम्पन मशीन (घन साने हेतु केवल)	आईएस : 10080—1982	1991-08-01
2.		सीमेंट और कंक्रीट के परीक्षण में प्रयुक्त सांचे	आईएस : 10086—1982	1991-08-01
3.		(टेम्पलिंग सरिफ और ट्रांक्वेल को सहित)		




[सं. के. प्रवि/13 : 9]

एन. श्रीनिवासन, अपर महानिदेशक

New Delhi, the 16th November, 1992

S.O. 3084—In pursuance of Sub-rule (i) of the rule 9 of Bureau of the Indian Standards Rules 1987 the Bureau of Indian Standard, hereby notifies the Standard Mark(s), for the Indian Standards given in the Schedule :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Year of the Indian Standard	Date of effect
(1)	(2)	(3)	(4)	(5)
1.		Vibration machine for casting standard cement mortar cubes (for cube moulds only)	IS : 10080—1982	1991-08-01
2.		Moulds for use in tests of cement and concrete (including for temping bar and trowel)	IS : 100796—1982	1991-08-01
3.				





No. CMD/13 : 9]

N. SRINIVASAN, Addl. Director General

नई दिल्ली, 16 नवम्बर, 1992

क्र. आ. 3085.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए भारतीय मानकों संबंधी मानक मूहर के डिजाइन निर्धारित कर दिए गए हैं :

अनुसूची

क्र. मानक मूहर का डिजाइन सं.	उत्पाद उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लाभू होने की तिथि
(1)	(2)	(3)	(4)
1.	 सूती बुनी (निटेड) स्पोर्ट्स शर्ट	आईएस 4375—1975	1992-03-01
2.	 श्रीखंड	आईएस : 9532—1980	1992-04-01
3.	 हस्तचालित उर्वरक ब्रैडकास्टर	आईएस : 12337—1988	1992-04-01
4.	 अद्विष्ट धारा परिपथ विभोजक	आईएस : 12640—1988	1992-03-16





[सं. के.प्र.वि. 13 : 9]

एन. श्रीनिवासन, अपर महानिदेशक

New Delhi, the 16th November, 1992

S.O. 3085.—In pursuance of Sub-rule (1) of the rule 9 of Bureau of the Indian Standards Rules, 1987 the Bureau of Indian Standards hereby notifies the Standard Mark(s) for the Indian Standards given in the Schedule:

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Year of the Indian Standard	Date of Effect
(1)	(2)	(3)	(4)	(5)
1.		Cotton knitted sports shirts	IS : 4375—1975	1992-03-01
2.		Shrikhand	IS : 9532—1980	1992-04-01
3.		Manually operated Fertilizer Broadcaster	IS : 12337—1988	1992-04-01
4.		Residual current operated circuit breakers	IS : 12640—1988	1992-03-

[No. CMD/13 : 9]

N. SRINIVASAN, Addl. Director General

नई दिल्ली, 17 नवम्बर, 1992

का. भा. 3086.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन फीस अधिसूचित करता है।

अनुसूची

क्र. उत्पाद/उत्पाद की श्रेणी सं.	भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहरांकन फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1. ठंडे जल सेवा हेतु प्लास्टिक के ब्रिबेटेप और स्टॉप वाल्व (राइजिंग स्पिडल)	आईएस : 9763—1988	1 नग	₹. 0.02	1992-05-16

[सं. के. प्र. वि./13 : 10]

New Delhi, the 17th November, 1992

S.O. 3086.—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby, notifies the marking fee(s) for the products given in the Schedule.

SCHEDULE


Sl. No.	Product/Class of Product	No. and Year of Indian Standard	Unit	Marking fee per unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Plastic bib tap and stop valve (rising spindle) for cold water services	IS : 9763—1988	1 Piece	Re. 0.02	1992-05-16

[No. CMD/13 : 10]
N. SRINIVASAN
Addl. Director General

नई दिल्ली, 17 नवम्बर, 1992

क्र. भा. 3087.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए भारतीय मानकों सम्बन्धी मानक मुहर के डिजाइन निर्धारित कर दिए गए हैं :

अनुसूची


क्र. सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
		ठंडे जल सेवा हेतु प्लास्टिक के बिबटेप और स्टॉप वाल्व (राइजिंग स्पिडल)	आईएस : 9763—1988	1992-06-16

[सं. के. प्रे.वि./13 : 9]
एन. श्रीनिवासन, अपर महानिदेशक

New Delhi, the 17th November, 1992

S.O. 3087 In.—pursuance of Sub-rule (1) of the rule 9 of Bureau of the Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby notifies the Standard Mark(s), for the Indian Standards given in the schedule :

SCHEDULE


Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Year of the Indian Standard	Date of Effect
(1)	(2)	(3)	(4)	(5)
1.		Plastic bib tap and stop valve (rising spindle) for cold water services.	IS : 9763—1988	1992-05-16

[No. CMD/13 : 9]
(N. SRINIVASAN)
Addl. Director General

नई दिल्ली, 17 नवम्बर, 1992

का.ग्रा. 3088.—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2), दिनांक 1989-04-08 में प्रकाशित (भारतीय मानक ब्यूरो) अधिसूचना संख्या 656 दिनांक 1984-02-17 में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि IS : 7887—1992 के मानक मुहर के डिजाइन में अनुसूची में दिए अनुसार परिशोधन किया गया है।

अनुसूची


क्र. सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	संबद्ध भारतीय मानक की संख्या और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.		सामान्य इंजीनियरी हेतु मृदु इस्पात की तार छड़	आई ए एस : 7887—1992	1992 07 16

[सं. के. प्र. वि/13 : 9]
एन. श्रीनिवासन, अपर महानिदेशक

New Delhi, the 17th November, 1992

S.O. 3088... In partial modification of the Ministry of Food & Civil Supplies (Deptt. of Civil Supplies (Bureau of Indian Standards) notification number S.O. 656 dated 1989-02-17 published in the Gazette of India, Part II, Section-3, Sub-section (ii) dated 1989-04-08, the Bureau of Indian Standards, hereby, notifies that the design of the Standard Mark for IS : 7887—1992 has been revised as given in the Schedule.

SCHEDULE


Sl. No.	Design of the Standard Mark	Product/Class of Product	No. & Year of the Relevant Indian Standard	Date of Effect
(1)	(2)	(3)	(4)	(5)
1.		Mild steel wire rods for general engineering purposes.	IS : 7887—1992	1992-07-16

[No. CMD/13 : 9]
N. SRINIVASAN, Addl. Director General

नई दिल्ली, 17 नवम्बर, 1992

का.ग्रा. 3089.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए भारतीय मानकों सम्बन्धी मानक मुहर के डिजाइन निरधारित कर दिए गए हैं :

अनुसूची


क्र. सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.		बिटूमेन के लिए ड्रम	आई. एस : 3575—1989	1991-06-01

[सं. के. प्र. वि/13 : 9]
एन. श्रीनिवासन, अपर महानिदेशक

New Delhi, the 17th November, 1992

S.O. 3089.—In partial modification/supersession of the notifications numbers S. O. 1122 dated 1978-04-04 and S.O. 619 dated 1981-01-27 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1978-04-22 and 1981-02-21, the Bureau of Indian Standards, hereby, notified that the designs of the Standard Marks for IS : 35 —1989 have been revised as given in the Schedule.

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. & Year of the Relevant Indian Standard	Date of Effect
1.		Bitumen drums	IS : 3575—1989	1991-06-01

[No. CMD/13 : 9]

N. SRINIVASAN, Addl. Director General

नई दिल्ली, 18 नवम्बर, 1992

का.आ. 3090.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन फीस अधिसूचित करता है।

अनुसूची

क्र. स.	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहरांकन फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	टोपिओका सागो	आई एस : 899 : 1971	एक टन	रु. 20.00	1992-09-01
2.	खाद्य टोपिओका स्टार्च	आई एस : 1319—1983	एक टन	रु. 20.00	1992-09-01
3.	सामान्य प्रयोजनों के लिए मध्यम वनत्व के रेशा बोर्ड	आई एस : 12406—1988	एक टन	(1) रु. 10.00 पहली 2500 इकाइयों के लिए (2) रु. 5.00 2501 और अधिक के लिए	1992-09-16

[संख्या के. प्र. वि/ 13 : 10]

एन. श्रीनिवासन, अपर महानिदेशक

New Delhi, the 18th November, 1992

S.O. 3090.—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby, notifies the marking fee(s) for the products given in the Schedule :

SCHEDULE

Sl. No.	Product/Class of Product	No. and Year of Indian Standard	Unit	Marking fee per unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Tapioca sago	IS : 899—1971	One Tonne	Rs. 20.00	1992-09-01
2.	Edible tapioca starch	IS : 1319—1983	One Tonne	Rs. 20.00	1992-09-01
3.	Medium density fibre boards for general purposes	IS : 12406—1988	One Tonne	(i) Rs. 10.00 for the first 2500 units and (ii) Rs. 5.00 for the 2501st units and above.	1992-09-16

[No. CMD/13 : 10]

N. SRINIVASAN, Addl. Director General

नई दिल्ली, 18 नवम्बर, 1992

का.मा. 3091.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 विनियम 6 के उपविनियम (3) के अनुमरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में वििएए उत्पादों की मुहरांकन फीस अधिसूचित करता है।

अनुसूची

क्र. सं.	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहरांकन फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	बैक फ्लैप कज्जे	आई एस : 3843—1985	100 नग	रु. 0.40	1992-08-01
2.	ग्रान्तरिक दहन इंजन के लिए एल्युमिनियम मिश्र धातु के पिस्टन	आई एस : 8503—1986	1 नग	रु. 0.15	1992-07-16

[संख्या के. प्र. वि/13 : 10]

एन. श्रीनिवासन, अपर महानिदेशक

New Delhi, the 18th November, 1992

S.O. 3091.—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards hereby, notifies the marking fee(s) for the products given in the Schedule :

SCHEDULE




Sl. No.	Product/Class of Product	No. and Year of Indian Standard	Unit	Marking fee per unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Back Flap hinges	IS : 3843—1985	100 Pieces	Re. 0.40	1992-08-01
2.	Aluminium alloy-pistons for international combustion engines	IS : 8503—1986	1 Piece	Re. 0.15	1992-07-16

[No. CMD/13 : 10]

N. SRINIVASAN, Addl. Director General

नई दिल्ली, 18 नवम्बर, 1992

का. प्र. 3094 — भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए भारतीय मानकों सम्बन्धी मानक मुहर के डिजाइन निर्धारित कर दिए गए हैं :

क्रम सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1		दरवाजे पर पैडलॉक के साथ प्रयुक्त मृदु इस्पात के खिसकने वाले काबले	आई एस : 281—1991	1992-08-16
2		बैक फ्लैप कज्जे	आई एस : 3843—1985	1992-08-01
3		आन्तरिक बहन इंजन हेतु एल्युमिनियम मिश्र धातु के पिस्टन	आई एस : 8503—1986	1992-07-16




[संख्या के.प्र.वि/13 : 9]

एन . श्रीनिवासन, अपर महानिदेशक

New Delhi, the 18th November, 1992

S.O. 3094.—In pursuance of sub-rule (1) of the rule 9 of Bureau of the Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby notifies the Standard Mark(s), for the Indian Standards given in the Schedule :

SCHEDULE




Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Year of the Indian Standard	Date of Effect
(1)	(2)	(3)	(4)	(5)
1.		Mild steel sliding door bolts for use with padlocks.	IS : 281—1991	1992-08-16
2.		Back flap hinges	IS : 3843—1985	1992-08-01
3.		Aluminium alloy-pistons for internal combustion engines.	IS : 8503—1986	1992-07-16

[No. CMD/13 : 9]

N SRINIVASAN, Addl. Director General

नई दिल्ली, 18 नवम्बर, 1992

का.सा. 3093.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम(1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिभूषित करता है कि नीचे अनुसूची में दिए गए भारतीय मानकों सम्बन्धी मानक मुहर के डिजाइन निर्धारित कर दिए गए हैं :

क्रम सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.		टोपिओका सागो	आई एस : 899—1971	1992-09-01
2.		खाद्य टोपिओका स्टार्च	आई एस : 1319—1983	1992-09-01
3.		सामान्य प्रयोजनों के लिए मध्यम घनत्व के रेशा बोर्ड	आई एस : 12406—1988	1992-09-16




[संख्या के.प्र.वि/ 13 : 9]

एन श्रीनिवासन, अपर महानिदेशक

New Delhi, the 18th November, 1992

S.O. 3093.—In pursuance of Sub-rule (1) of the rule 9 of Bureau of the Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby notifies the Standard Mark(s), for the Indian Standards given in the Schedule:

SCHEDULE




Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Year of the Indian Standard	Date of Effect
(1)	(2)	(3)	(4)	(5)
1.		Tapioca sago	IS : 899—1971	1992-09-01
2.		Edible tapioca starch	IS : 1319—1983	1991-09-01
3.		Medium density fibre boards for general purposes.	IS : 12406—1988	1992-06-9

[No. CMD/13 : 9]

N. SRINIVASAN, Addl. Director General

नई दिल्ली, 18 नवम्बर, 1992

का. जा. 3094. — भारतीय मानक ब्यूरो नियम, 1987 के नियम 9 के उपनियम (1) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए भारतीय मानकों सम्बन्धी मानक मुहर के डिजाइन निर्धारित कर दिए गए हैं :

क्रम सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.		दरवाजे पर पैडलॉक के साथ प्रयुक्त मृदु इस्पात के खिसकने वाले काबले	आई एस : 281—1991	1992-08-16
2.		बैक फ्लैप कब्जे	आई एस : 3843—1985	1992-08-01
3.		आन्तरिक दहन इंजन हेतु एल्युमिनियम मिश्र धातु के पिस्टन	आई एस : 8503—1986	1992-07-16




[संख्या के.प्र.वि/13 : 9]

एन. श्रीनिवासन, प्रवर महानिदेशक

New Delhi, the 18th November, 1992

S.O. 3094. In pursuance of sub-rule (1) of the rule 9 of Bureau of the Indian Standards Rules, 1987 the Bureau of Indian Standards, hereby notifies the Standard Mark(s), for the Indian Standards given in the Schedule :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Year of the Indian Standard	Date of Effect
(1)	(2)	(3)	(4)	(5)
1.		Mild steel sliding door bolts for use with padlocks.	IS : 281—1991	1992-08-16
2.		Back flap hinges	IS : 3843—1985	1992-08-01
3.		Aluminium alloy-pistons for internal combustion engines.	IS : 8503—1986	1992-07-16

[No. CMD/13 : 9]

N. SRINIVASAN, Addl. Director General

कोयला मंत्रालय

आदेश

नई दिल्ली, 16 नवम्बर, 1992

का.आ. 3095 :—कोयला धारक, क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 1101 (ई) तारीख 22 दिसम्बर, 1987 के, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 22 दिसम्बर, 1987 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) में या उस पर के अधिकार उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विलगनों से मुक्त होकर, आत्यधिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि वेस्टर्न कोलफील्ड्स लि., नागपुर (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए राजाव है;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि में या उस पर के अधिकार, तारीख 22 दिसम्बर, 1987 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्न लिखित निबंधनों और शर्तों के अधीन रहते हुए, उक्त सरकारी कंपनी में निहित हो जाएंगे, अर्थात्—

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिफल, व्याज, नुकसानी और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी।
- (2) सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकार के लिए या उनके संबंध में सभी विधिक कार्रवाइयों, जैसे अपील, आदि की बाबत उपगत सभी व्यय भी सरकारी कंपनी वहन करेगी।
- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदाधिकारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के

बारे में, केन्द्रीय सरकार या उसके पदाधिकारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगा।

- (4) सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- (5) सरकारी कंपनी, ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[सं. 43015/6/87-सी.ए./एल.एस.डब्ल्यू]

बी.बी.राव, अवसर सचिव

MINISTRY OF COAL

ORDER

New Delhi, the 16th November, 1992

S.O. 3095.—Whereas on the publication of the notification of the Government of India in the then Ministry of Energy (Department of Coal) number S.O. 1101 (E) dated the 22nd December, 1987 in the Gazette of India, Part-II, Section 3, sub-section (ii) dated the 22nd December, 1987, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) hereinafter referred to as the said Act, the lands and all rights in or over such land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over such land so vested shall, with effect from the 22nd December, 1987, instead of continuing to so vest in the Central Government, vest in the Government company, subject to the following terms and conditions, namely :—

1. the Government company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
2. a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government company and, similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said land, so vesting shall also be borne by the Government Company;
3. The Government company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;

4. The Government company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government;
5. The Government company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[No. 43015/6/87-CA/LSW]

B. B. RAO, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 7 दिसम्बर, 1992

का.ग्रा. 3096:—भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) तारीख 29 दिसम्बर, 1990 में पृष्ठ 5650 से 5655 पर प्रकाशित भारत सरकार ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.ग्रा. 3476 तारीख 11 दिसम्बर, 1990 में,—

पृष्ठ संख्या : 5651 पर

अनुसूची "क" में

1. "ग्रामधोरी दामोदर में अर्जित किए जाने वाले प्लॉट संख्यांक" के स्थान पर "ग्राम थावरी दामोदर में अर्जित किए जाने वाले प्लॉट संख्यांक" पढ़िए। और जहां कहीं भी यह शब्द प्रयुक्त हुआ हो उसे थावरी दामोदर पढ़िए।

पृष्ठ संख्या : —5651 पर

सीमा वर्णन में

2. रेखा छ6-छ7-छ8-छ9 में "रेखा ग्राम धोरी दामोदर में प्लॉट संख्यांक 223, 228/2, 232, 223, 234 से होकर गुजरती है और फिर प्लॉट संख्यांक 235, 239, 240/1, 240/2, 240/3, की बाह्य सीमा के साथ-साथ चलकर बिन्दु छ9 पर मिलती है।" के स्थान पर रेखा ग्राम थावरी दामोदर में प्लॉट संख्यांक 223, 228/2, 232, 233, 234 से होकर गुजरती है और फिर प्लॉट संख्यांक 235 की बाहरी सीमा के गुजरती है, प्लॉट संख्यांक 241 को पार करके प्लॉट संख्यांक 239, 240/1, 240/2, 240/3, की बाहरी सीमा के साथ-साथ चलकर बिन्दु "छ9" पर मिलती है।" पढ़िए।

पृष्ठ 5652 पर

सीमा वर्णन में

3. रेखा क-ख-ग में प्लॉट संख्यांक "238/3" के स्थान पर "138/2" पढ़िए। और "टिन्टू" के स्थान पर "बिन्दु" पढ़िए।
4. रेखा "झ-च-छ" के स्थान पर "ड-ब-छ-छ1" पढ़िए। और प्लॉट संख्यांक "53/3" के स्थान पर "53,

13" पढ़िए। और प्लॉट संख्यांक "131" के स्थान पर "133" पढ़िए।

5. रेखा छ-1-छ-2 में "आ 6. भ" के स्थान पर "आरंभ" पढ़िए। और प्लॉट संख्यांक "13/2 1301" के स्थान पर "130/2, 130/1" पढ़िए। और "हिन्दु" के स्थान पर "बिन्दु" पढ़िए।
6. रेखा छ5-छ6" में "बिन्दु छ6 ब पर मिलती" के स्थान पर "बिन्दु छ6" पर मिलती है पढ़िए।
7. रेखा छ6-छ7-छ8-छ9 में प्लॉट संख्यांक 235, 239, 240/1, 240/2, 240/3 की बाह्य सीमा के साथ-साथ चलकर बिन्दु छ-9 पर मिलती है" स्थान पर "प्लॉट संख्यांक 235 की बाहरी सीमा के साथ गुजरती है, प्लॉट संख्यांक 241 को पार करके प्लॉट संख्यांक 239, 240/1, 240/2, 240/3 की बाहरी सीमा के साथ-साथ चलकर बिन्दु "छ9" पर मिलती है" पढ़िए।

पृष्ठ सं. 5653 पर

सीमा वर्णन में

8. रेखा ज-झ-ञ में "रेखा धोरी दामोदर और नांगलवाडी ग्रामों की सामान्य सीमा के साथ-साथ ग्राम दामोदर से होकर गुजरती है और बिन्दु "ज" पर मिलती है।" के स्थान पर "रेखा, ग्राम थावरी दामोदर और गजनडोह और फिर थावरी दामोदर और नांगलवाडी की सामान्य सीमा के साथ-साथ चलती है और बिन्दु "ज" पर मिलती है पढ़िए।
9. रेखा जक में प्लॉट संख्यांक 244, 218, 214, 215, 200, 195 के स्थान पर प्लॉट संख्यांक 244, 218, 214, 200, 195' पढ़िए।

[फा.सं. 43015/5/89—एल.एस.ब्लू.]

बी.बी. राव, अवर सचिव

CORRIGENDUM

New Delhi, the 7th December, 1992

S.O. 3096.—In the notification of the Government of India in the then Ministry of Energy, Department of Coal, number S.O. 3476 dated the 11th December, 1990, published at pages 5650 to 5655 in the Gazette of India, Part-II Section-3, Sub-Section (ii) dated the 29th December 1990, at page 5654,—

- (i) in Boundary description, in line G6-G7-G8-G9, for "plot numbers 235, 239, 240/1, 240/2, 240/3, and meets at point 'G9' ", read "plot number 235, across plot number 241, then proceeds along the outer boundary of plot numbers 239, 240/1, 240/2, 240/3 and meets at point 'G9' " and in line G10-G11, G1, for "at starting point 'G10' read "at starting point 'G1' ".
- (ii) in the schedule 'B', for "Plot numbers to be acquired in village Gajando" read "Plot numbers to

be acquired in village Gajandoh,"
at page 5655 in Boundary description,—

(a) in line G6-G7-G8-G9, for "plot numbers 235, 239, 240/1, 240/2, 240/3 and meets at point 'G9' ", read "plot number 235, across plot number 241, then proceeds along the outer boundary of plot numbers 239, 240/1, 240/2, 240/3 and meets at point 'G8' ".

(b) in line H-I-J, for "Line passes through village Thaori Damodar along the common boundary of villages Thaori Damodar and Nagalwari and meets at point 'J' " read "Line passes along the common boundary of villages Thaori Damodar and Gajandoh and then Thaori Damodar and Nagalwari and meets at point 'J' ".

(c) in line J-A, for "in plot numbers 244, 218, 214, 215, 200, 195" read "in plot numbers 244, 218, 214, 200, 195".

[No. 43015/5/89-LSW]
B. B. RAO, Under Secy.

शुद्धिपत्र

नई दिल्ली, 7 दिसम्बर, 1992

का.आ. 3097.—भारत के राजपत्र भाग-II, खंड-3, उपखंड (ii) तारीख 20 जुलाई, 1991 के पृष्ठ 2965 से 2966 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय, कोयला विभाग की अधिसूचना सं. का. आ. 2001, तारीख 28 जून, 1991 में,—

पृष्ठ संख्या 2965 पर

अधिसूचना में "नई दिल्ली 20 जून, 1991" के स्थान पर "नई दिल्ली 26 जून, 1991" पढ़िए।

[फा.सं. 43015/5/89-एल.एस.डब्ल्यू]

बी.बी. राव, अवर सचिव

कोयला मंत्रालय

नई दिल्ली, 27 नवम्बर, 1992

का.आ. 3098.—कोयला खान भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1948 (1948 का 46) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, श्री एस.ए. मोइज की कोयला खान भविष्य निधि आयुक्त के पद पर 4500-150-5700 रु. के वेतनमान में नियुक्ति, उक्त नियमित

रूप से पद का कार्यभार संभालने की तारीख से सेवानिवृत्त होने की तारीख तक अथवा अगले आदेश जारी होने तक, इसमें जो भी पहले हो, अधिसूचित करती है।

[सं. 22/6/88-ए.एस.ओ. (पार्टे)]

अभय शुक्ला, निदेशक

MINISTRY OF COAL

New Delhi, the 27th November, 1992

S.O. 3098.—In exercise of the powers conferred by sub-section (i) of Section 3C of Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948), the Central Government hereby notifies the appointment of Shri S. A. Moiz, as Coal Mines Provident Fund Commissioner with effect from the date he assumes regular charge of the post, in the pay scale of Rs. 4500-150-5700/- till the date of his superannuation or until further orders whichever is earlier.

[No. 22/6/88-ASO(Pt.)]

AVAY SHUKLA, Director

नई दिल्ली, 27 नवम्बर, 1992

का.आ. 3099.—कोयला खान भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1948 (1948 का 46) की धारा 9 की उपधारा (2) के उपबन्धों के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री एस.ए. मोइज, कोयला खान भविष्य निधि आयुक्त को उक्त उपधारा के प्रयोजन से 27 नवम्बर, 1992 के (पूर्वाह्न) से कोयला खान भविष्य निधि और प्राकीर्ण उपबन्ध अधिनियम, 1948 (1948 का 46) की धारा 9 की उपधारा (2) के अन्तर्गत सक्षम प्राधिकारी के रूप में अधिसूचित करती है।

[सं. 22/6/88-ए.एस.ओ. (पी.टी.)]

अभय शुक्ला, निदेशक

New Delhi, the 27th November, 1992

S.O. 3099.—In pursuance of the provisions of sub-section (2) of Section 9 of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948) the Central Government hereby notifies Shri S. A. Moiz, Coal Mines Provident Fund Commissioner, as the competent authority under sub-section (2) of Section 9 of the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948) with effect from the forenoon of 27th November 1992, for the purposes of the said sub-section.

[No. 22/6/88-ASO(Pt.)]

AVAY SHUKLA, Director

संस्कृति विभाग

(भारतीय पुरातत्व सर्वेक्षण)

नई दिल्ली, 3 दिसम्बर, 1992

(पुरातत्व)

का.आ. 3100.—केन्द्रीय सरकार ने, भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना सं. का.आ. 861, तारीख 26 फरवरी, 1992 द्वारा, जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 14 मार्च, 1992 में प्रकाशित की गई थी, उक्त अधिसूचना की अनुसूची में विनिर्दिष्ट संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आणख की दौ मारा की सूचना दी थी और प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) की अपेक्षातुसार, अधिसूचना की एक प्रति उक्त संस्मारक के निकट महजदृश्य स्थान पर लगा दी गई थी;

और उक्त राजपत्र 13 मई, 1992 की जनता की उल्लेख करा दिया गया था;

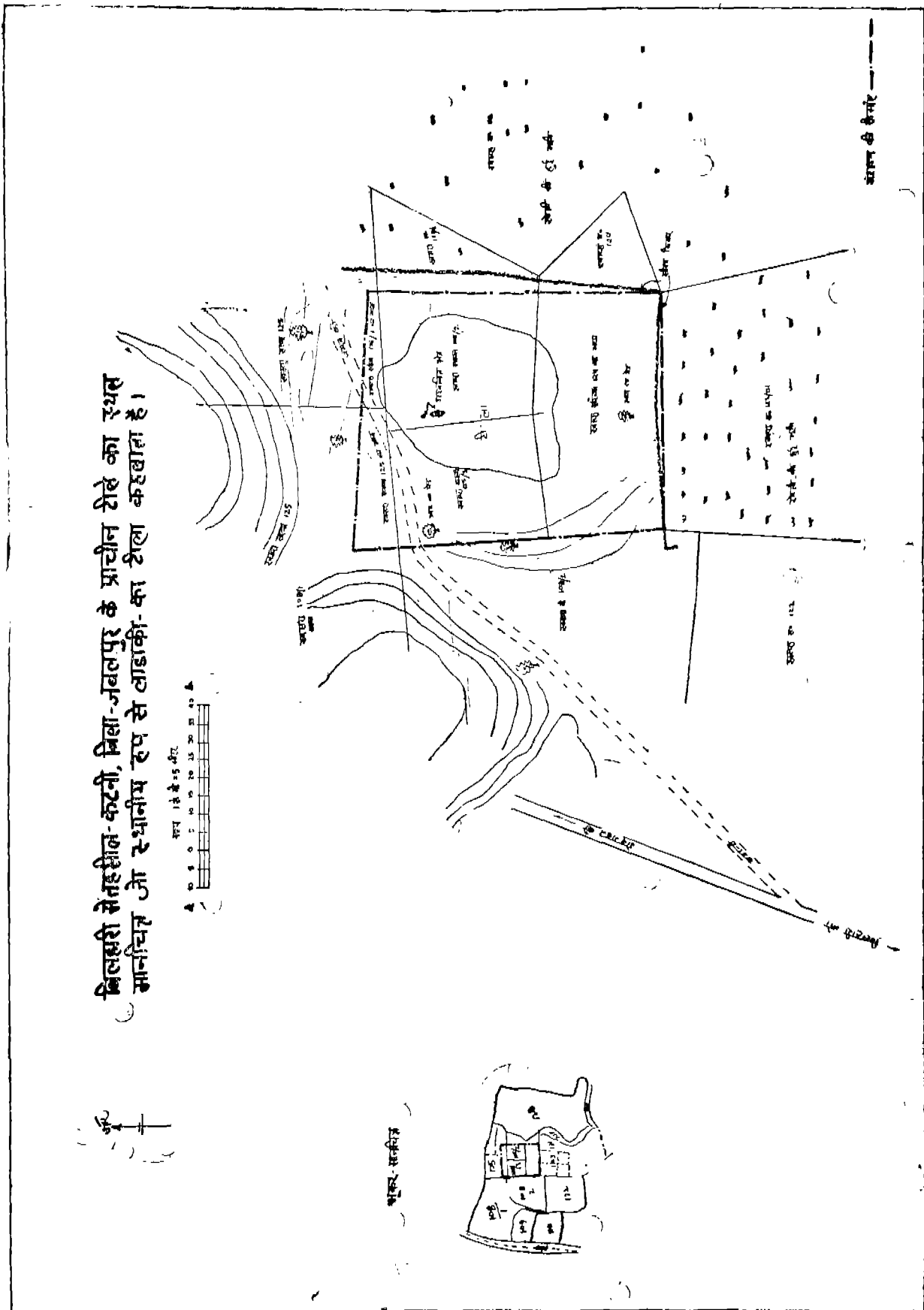
और केन्द्रीय सरकार को किसी भी व्यक्ति से कोई आशेन प्राप्त नहीं हुए है।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, इससे उपावद्ध अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक की राष्ट्रीय महत्व का घोषित करती है।

अनुसूची

राज्य	जिला	परिक्षेत्र	स्थल का नाम	संरक्षण के लिए शामिल राजस्व	क्षेत्र	सीमाएं
प्लॉट संख्या						
1	2	3	4	5	6	7
मध्य प्रदेश	जबलपुर	बिलहारी	प्राचीन टोला जो, स्थानीय तौर पर लड़ाका-का-टोला के रूप में जाना है।	खसरा सं. 125/3 और खसरा सं. 124, 125, 125/1, 125/2 का भाग जैसा कि नीचे उद्धृत स्थल रेखांक में दर्शात है। (यहां उद्धृत करे)	5620.4375 वर्ग मीटर या 1.389 एकड़	उत्तर: खसरा सं. 125 और 125/1 का शेष भाग पूर्व: खसरा सं. 124 और 125/2 का शेष भाग। दक्षिण: खसरा सं. 123/13 पश्चिम: खसरा सं. 108/1 और 108/2
स्वामित्व			टिप्पणियां			

खसरा सं. 124 मध्य प्रदेश
सरकार और शेष प्राइवेट
स्वामित्व में।



DEPARTMENT OF CULTURE

(Archaeological Survey of India)

New Delhi, the 3rd December, 1992

(ARCHAEOLOGY)

S.O. 3100.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) No. S.O. 861 dated the 26th February, 1992 published in the Gazette of India, Part-II, section 3, sub-section (ii), dated the 14th March, 1992 the Central Government gave two months notice of its intention to declare the monument specified in the schedule to the said notifica-

tion to be of national importance and a copy of the notification was affixed in a conspicuous place near the said monument as required by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

And whereas the said Gazette was made available to the public on 13th May, 1992.

And whereas no objection from any person has been received by the Central Government;

Now, therefore in exercise of the powers conferred by sub-section 3 of section 4 of the said Act, the Central Government hereby declares the ancient monument specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

State	District	Locality	Name of Site	Revenue plot numbers included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9
Madhya Pradesh	Jabalpur	Bilhari	Ancient mound locally known as Ladakei-Ka-Tila	K. No. 125/3 and part of K. Nos. 124, 125, 125/1, 125/2, as shown in the site plan reproduced below	5620, 4375 Sq. Metre or 1.389 Acres.	North : Remaining part of K. Nos. 125 and 125/1. East : Remaining parts of K. Nos. 124 and 125/2. South : Khasra No. 123/131 West : Khasra No. 108/1 and 108/2.	Khasra No. 124 Madhya Pradesh Government and remaining under private ownership.	

कृषि मंत्रालय

श्रम मंत्रालय

(कृषि और सहकारिता विभाग)

नई दिल्ली, 20 नवम्बर, 1992

नई दिल्ली, 2 दिसम्बर, 1992

का.आ. 3101.—केन्द्रीय सरकार बहु राज्य सहकारी सोसायटी अधिनियम, 1984 (1984 का 51) की धारा 4 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के कृषि मंत्रालय और ग्रामीण विकास (कृषि और सहकारिता विभाग) की अधिसूचना का.आ. संख्यांक 671 (अ) तारीख 16 सितम्बर, 1985 में और संशोधन करने के लिए निम्नलिखित संशोधन करती है, अर्थात्:—

1. उक्त अधिसूचना की सारणी में क्रम संख्या 15 के सामने स्तम्भ 2 में वर्तमान प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जायेगी, अर्थात्:—

“चोरी आयुक्त, महाराष्ट्र राज्य, पुणे”

[सं. एल-11012/2/85-विधि और प्रबंध]

वी.के. मित्तल, संयुक्त सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi, the 2nd December, 1992

S.O. 3101.—In exercise of the powers conferred by sub-section (2) of section 4 of the Multi-State Co-operative Societies Act, 1984 (51 of 1984), the Central Government hereby makes the following amendment further to amend the notification of the Government of India in the Ministry of Agriculture and Rural Development (Department of Agriculture and Cooperation), S.O. No. 671(E), dated the 16th September, 1985, namely:—

1. In the Table to the said notification, against serial number 15A, in column 2, for the existing entry, the following entry shall be substituted, namely:—

“Commissioner of Sugar, State of Maharashtra, Pune.”

[No. L-11012/2/85-1.&M]

V. K. MITTAL, Jt. Secy.

Foot Note : The principal notification were published vide No. S.O. 671(E), dated 16th September, 1985 and amended by S.O. No. 2891 dated 16-8-86.

का. आ. 3102.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय, चण्डीगढ़ के पंचपट का प्रकाशित करती है जो केन्द्रीय सरकार को 20-11-92 को प्राप्त हुआ था।

[संख्या एल-12012/103/89-आईआर (बी-3)]

के.वी.बी. उन्नी, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 20th November, 1992

S.O. 3102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-Cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on 20-11-92.

[No. L-12012/103/89-IR(B-3)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

I. D. No. 127/89

Bhagwan Singh Vs. State Bank of Patiala

For the workman.—Shri D. L. Sikka.

For the management.—Shri N. K. Zakhmi.

AWARD

Central Govt. vide gazette notification No. L-12012/103/89-I.R. (B-3) dated 18th August 1989 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of Patiala in relation to their Meham Branch in awarding the punishment of withholding two annual graded increments from future effects which fell due on 20-3-1981 and 20-3-1982 of Shri Bhagwan Singh, peon-cum-watchman is just and fair ? If not, to what relief, the workman concerned is entitled to?”

2. Mr. D. L. Sikka appearing on behalf of the workman has made a statement that workman is not interested in pursuing the reference and the same may be treated as withdrawn and no dispute award may be returned to the Ministry. In view of the statement made by the Rep. of the workman no dispute Award is returned to the Ministry.

Chandigarh.

Camp at Delhi 23-10-1992.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1992

का.मा. 3103.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय, चण्डीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 20-11-92 को प्राप्त हुआ था।

[संख्या एल-12012/40/89-आईआर(बी-3)]

के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 20th November, 1992

S.O. 3103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Cum Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on the 20-11-92.

[No. L-12012/40/89-IR(B-3)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 142/89

R. K. Ranga Vs. State Bank of Patiala.

For the workman.—Shri B. L. Sharma,

For the management.—Shri N. K. Zakhmi,

AWARD

Central Govt. vide gazettee notification No. L-12012/40/89-IR(B-3) dated 7th September 1988 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of Patiala in relation to their Badamalik branch while transferring Shri R. K. Ranga, Cashier-cum-clerk, to Badson branch and later on reconsidering his transfer to Mohindergarh branch is just and fair ? If not, to what relief the workman is entitled to?"

2. Mr. B. L. Sharma appearing on behalf of the workman has made statement that the claim in reference has been satisfied by the management and the workman does not want to pursue with the present reference and no dispute award may be returned to the Ministry. In view of the 2959 GI/92—

statement made by the Rep. of the workman, No Dispute Award is returned to the Ministry.

Chandigarh.

21-9-92.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1992

का.मा. 3104.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय चण्डीगढ़ के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 20-11-92 को प्राप्त हुआ था।

[सं.एल-12012/147/86-डी II (ए)]

के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 20th November, 1992

S.O. 3104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Cum Labour Court Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 20-11-92.

[No. L-12012/147/86 DII(A)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

I.D. 19/87

Bhim Parshad Sharma Vs. State Bank of India.

For the workman.—Shri J. G. Verma.

For the management.—Shri D. P. Garg.

AWARD

Central Govt. vide gazettee notification No. L-12012/147/86-D.II.A. dated 3rd April 1987 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the State Bank of India in terminating the services of Shri Bhim Parshad Sharma Waiter/Attendant, w.e.f. 1-4-1985 is justified ? If not, to what relief is the workman concerned entitled and from what date ?"

2. In the statement of claim it has been alleged that the petitioner was appointed as temporary waiter in the month of October 1983 and continued in service up to March 1985 having service of 18 months. It is further alleged that the management had only paid wages @ Rs. 10 per day as against regular scale of sub staff which is otherwise admissible to Waiter/attendants. It is further alleged that the petitioner was not paid wages for the Sundays and holidays except for the month of June, July, August and September 1984 when he was attached to the Bank's guest house. It is further alleged that his services were terminated on 31st March 1985 without following the provisions of section 25-F of the I.D. Act 1947. It is further alleged that after his termination a number of Waiter/attendants were employed by the Bank. It is further alleged that the petitioner had completed 240 days and termination without

retrenchment compensation and pay in lieu of notice is void ab initio and prayed for reinstatement with full back wages.

3. Claim of the petitioner was contested by the management. The stand has been taken in the amended written statement that the petitioner was paid @ Rs. 10 per day as he was required to work only 2½ hours per day. It is further pleaded that the petitioner had not worked for 240 days and has worked for the following period :—

8-12-1984
10-12-1984 to 22-12-1984
26-12-1984 to 28-12-1984
31-12-1984
1-1-1985 to 5-1-1985
7-1-1985
9-1-1985 to 12-1-1985
14-1-1985 to 19-1-1985
21-1-1985 to 25-1-1985
28-1-1985 to 31-1-1985
1-2-1985
2-2-1985
4-2-1985
6-2-1985 to 9-2-1985
11-2-1985 to 16-2-1985
18-2-1985 to 23-2-1985
25-2-1985 to 28-2-1985
1-3-1985 to 2-3-1985
25-7-1984 to 31-7-1984,
1-8-1984 to 31-8-84
1-9-1984 to 30-9-1984.

It is further pleaded that the provisions of Section 25-F is not attracted and thus no retrenchment compensation and pay in lieu of notice is required to be paid. The bank has taken up the stand that the petitioner had worked about 136 days for which he has been paid accordingly.

4. In evidence the management produced Shri C. L. Seth Manager SBI who tendered his affidavit Ex. M1 and produced himself as MW1. The management also produced Mr. S. M. Narula Officer scale II who tendered his affidavit Ex. M2 and produced himself as MW2 and the workman got proved the documents Ex. W1 to W7. The management also produced P. S. Anand who tendered his affidavit Ex. M3 and produced himself as MW3. The workman tendered in evidence his affidavit Ex. W8 and produced himself as WW1 and closed his case.

5. I have heard both the parties and gone through the evidence and record. Learned representative of the workman has argued that workman has worked from October 1983 to 31st March 1985 continuously and at the time of termination the provisions of Section 25-F of the I.D. Act has not been complied with and thus argued that he is entitled for re-instatement with full back wages. Arguments of the rep. of the workman is meritless. Workman has not shown in the evidence or from cross-examination of the management's witnesses to the effect that he had worked continuously from October 1983 till 31st March 1985 rather management has given detailed date of the days on which the petitioner had worked from 25-7-84 till 2-3-1985. In the month of 7/84 he has worked for 7 days in 8/84 for 31 days, in 9/84 for 30 days. Thereafter he did not work at all in the months of October 1984 and November 1984 and then he again worked for 18 days in 12/84, 25 days in 1/85, 23 days in 2/85 and 2 days in 3/85. The management's witnesses viz. C. L. Seth MW1, S. M. Narula MW2 and P. S. Anand MW3 all three have been deposed in their affidavit that the petitioner was employed for doing petty odd and menial jobs for two three hours a day for the above said period was paid Rs. 10 per day accordingly. From the details of number of days given by the respdt.

management in their evidence as discussed above the workman had not completed 240 days. At this juncture the rep. of the workman has pointed out that the breaks have been given by the Respdt. management only in order to not allowing the petitioner to complete 240 days. This stand is also meritless, by their own evidence. The workman has relied on the documents Ex. W1 to W7. These are the charts in which it has been shown that payment have been made to the concerned branch manager for further disbursing to casual employee employed against leave vacancy of the regular employee in the canteen. These documents relates from the period 29-10-1983 to 29-5-1984. Although this period does not relates to the period for which the petitioner had worked with the respdt. management but the position boils down to the situation that these casual workers were duly employed only against leave vacancies of the their regular employees and whenever that regular employee used to return from leave these casual workers who are working against leave vacancy were used to be removed and this caused the various breaks in the service and not because the management did not want to allow the petitioner to complete 240 days. This establish that the petitioner was being employed against leave vacancy for the shorter period and there is no evidence that he had completed 240 days in order to attract the provisions of Section 25-F of the I.D. Act, 1947. Thus no interference is called and the petitioner is not entitled to any relief that so ever. The reference is returned to the Ministry accordingly.

Chandigarh.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1992

का.आ. 3105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबन्धतन्त्र के संबंध निषेजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, व श्रम न्यायमन्त्र वर्यकीय के पंचरट को प्रकटित करती है, जो केन्द्रीय सरकार को 20-11-92 को प्राप्त हुआ था।

[संख्या एल-12012/147/91-आई आर (बी 3)]

के.वो.पो. उग्गा, डैस्क अधिकारी

New Delhi, tht 20th November, 1992

S.O. 3105.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on the 20-11-92.

[No. L-12012/147/91-IR(B-3)]

K. V. B. UNNY, Desk Officer

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 91/91

Rajender Singh Vs. State Bank of Patiala.

For the workman.—Shri B. L. Sharma.

For the management.—Shri L. D. Gupta.

AWARD

Central Govt. vide gazette notification No. L-12012/147/92-I.R.(B-3) dated 18th July, 1991 issued U/S 10(1)(d) of

the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of State Bank of Patiala in terminating the services of Shri Rajinder Singh Peon/Frsh w.e.f. 7-5-87 is legal and justified? If not, to what relief the concerned workman is entitled to and from what date?"

2. Mr. B. L. Sharma rep. of the workman has made statement that workman is not traceable and he wants to withdraw this reference and no dispute award may be returned to the Ministry. In view of the statement that the workman is not traceable and the rep. is not wants to pursue with the present reference neither any claim statement has been filed and the same can not be adjudicated upon so the reference is returned to the Ministry.

Chandigarh.
21-9-92

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1992

का.मा.3106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय चण्डीगढ़ के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-92 को प्राप्त हुआ था।

[संख्या एल-12012/170/89-आईआर(बी-3)]
के.वी.बी. उण्णा, डेस्क अधिकारी

New Delhi, the 20th November, 1992

S.O. 3106.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen which was received by the Central Government on the 20-11-92.

[No. L-12012/170/89-IR(B-3)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 148/89

Tilak Raj Vs. State Bank of Patiala.

For the workman.—Shri J. B. Garg.

For the management.—Shri N. K. Zakhmi.

AWARD

Central Govt. vide gazette notification No. L-12012/170/89-I.R. (B)3 dated 14th September 1989 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of State Bank of Patiala in relation to their Mathura Road, Faridabad Branch in terminating the services of Tilak Raj son of Shri Ram Avtar, ex-peon w.e.f. 21-11-1986 is just, fair and legal? If not, what relief the worker concerned is entitled to?"

2. Present case was fixed for further adjudication today. However Mr. J. B. Garg, authorised representative of the workman has made a statement that workman is not traceable and he does not want to pursue with the present reference and may be returned to the Ministry. In view of the statement made by the rep. of the workman present reference is returned to the Ministry.

Chandigarh.

Campat Delhi.

7-8-92.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1992

का.मा.3107.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व श्रम न्यायालय चण्डीगढ़ के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-92 को प्राप्त हुआ था।

[संख्या एल-12012/11/83-डी II(ए)]

के.वी.बी. उण्णा, डेस्क अधिकारी

New Delhi, the 20th November, 1992

S.O. 3107.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 20-11-92.

[No. L-12012/11/83-D.II(A)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

I.D. No. 89/87

P. N. Pandita Vs. State Bank of India.

For the workman.—Workman in person.

For the management.—Shri P. K. Gupta.

AWARD

Central Govt., vide gazette notification No. L-12012/11/83-D.II(A) dated 13th October 1987 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of the State Bank of India in relation to its Leh branch in dismissing Shri P. N. Pandita clerk from service w.e.f. 19-2-1982 is justified? If not, to what relief is the workman concerned entitled?"

2. In the claim statement it was pleaded that he was working as clerk-cum-cashier at Leh branch and was charge sheeted on 1-2-1978 for which he submitted his explanation stating that the charges are vague and baseless and no dishonesty or misconduct was involved and no loss has been incurred to the bank. However the inquiry was held at

Leh in hurried manner and no opportunity was given to him. The inquiry officer submitted his report and proposed the punishment of dismissal, which was against the spirit of Delhi Award and Bipartite Settlement dated 31-8-79. It is further submitted that Mr. Sharma the then Branch manager who had approved the advances of over draft to three persons which was repaid by these persons with interest due on the same and the bank did not suffer any loss on account of these transaction. It was further pleaded that the punishing authority had applied double standard while absolving Branch Manager who was responsible for making these advances and held the petitioner guilty who was not competent to take any decision so far the advances are concerned. It is further pleaded that the punishment of dismissal was wrongly awarded and the appeal was wrongly rejected without applying his mind which has caused great injustice to him. It was prayed that he be reinstated with all benefits.

3. The respdt. management contested the claim and filed written statement. The stand taken was that the petitioner dishonestly managed the opening of the current account No. 1321 of 12-6-78 in the name of D. N. Pandia (his father by forging his signatures on related documents and also managed the grant of some over drafts in the name of certain account holder of the bank in order to misappropriate the money. Further the stand was taken that the enquiry was conducted openly with due and proper opportunity given at every stage to the petitioner to defend his case. The petitioner was defended throughout the enquiry by Shri S. N. Duber. The management account further taken the stand that appeal was also dismissed on merits. Further stand was taken that Mr. Sharma the then branch manager was also dismissed from bank service. It was further pleaded that the allegation of the petitioner was baseless and misconceived and prayed for the dismissal of reference.

4. Replication was also filed reasserting the claim made in the claim petition.

5. In support of his case the petitioner produced Hira Lal Budhiraja WW1, Upinder Kaul WW2, Dwarka Nath WW3, K. N. Nangia WW4, B. L. Srakro WW4 and produced himself as WW6 and produced copy of the office order W1 and the charge sheet Ex. W2. The management relied on the documents copy of the letter Ex. M1, enquiry proceedings M2, Ex. M3 findings of the enquiry officer, Ex. M5 is the confession of the petitioner, Ex. M6 is the letter dated 4-7-1977 written by the father and M7 to M11 letters of the petitioner. Ex. M12 is the photocopy of the cheque, Ex. M13 the pay in slip, M14 pay in slip and M15 the letter produced in evidence. Rajan Kaul Asstt. manager who filed his affidavit Ex. M16 and produced himself as MW1.

6. I have heard both the parties and gone through the evidence and record of the case.

7. Workman has not contested this reference on merits. He has only prayed for the intervention of this Court with regard to the punishment u/s 11-A of the I.D. Act, 1947. In this connection he has argued that one of the charges against him that he managed granting of overdraft to the account holders namely R. L. Trakroo, M. K. Kaul and Hira Lal Bagati and to his father Mr. D. N. Pandita and the other charges are that he managed the opening of the current account in the name of D. N. Pandita after forging his signatures and also applied for loan of Rs. 5000 after forging his signatures and the amount was drawn after forging of his father's signatures D. N. Pandita on the cheque and has referred me to the statement of three account holder and the statement of his father Mr. D. N. Pandita and stressed that there is no illegality in advancing the said loan to these persons. Their statement have been perused by me. Hira Lal Bagati WW1, U. K. Kaul son of Shri M. K. Kaul (account holder) has admitted that loan of Rs. 5000 was taken from the bank for their personal use. Although WW5 B. L. Trakroo has stated that the same amount has been taken in connection with the marriage of the daughter of Mr. D. N. Pandita father of the petitioner. D. N. Pandita WW3 has also admitted that the borrowed Rs. 5000 each from the said three person who are his friends. The net result is that it is a matter of admission

that there is absolutely no amount outstanding from these persons towards the bank. All the said loan have been adjusted. Definitely there is no wrongful loss to the bank or wrongful gain to the petitioner.

8. The other action of the petitioner is that he had forged the signatures of his father in connection with the opening of the account in his name and further forged the signatures of his father on the other documents for the purpose of applying for loan and thereafter drawn the said amount of Rs. 5000 with the forged signatures of his father. No doubt the father of the petitioner Mr. D. N. Pandita WW3 has stated that he had authorised his son to complete all the formalities and all the necessary documents. But it does not behave on behalf of the petitioner to forge the signatures of his father. Certainly his action is serious even if it has been done with the consent or for the sake of convenience, otherwise he could have got these documents signed from the father and then could submit in the bank for the purpose of opening of account, applying for the loan and then withdraw of the amount.

Now question arises whether this actions attract the extreme penalty of dismissal. The petitioner is in service of the bank since 1977. The present incident is the solitary incident otherwise he possess of an unblemished record or service as there is no evidence of any past act of misconduct hanging over his head. The act is a beneficial piece of legislation enacted in the interest of employees. In construing the provisions of a welfare legislation, Courts should adopt a beneficial rule of construction. If two construction are reasonably possible, the construction which furthers the policy and object of the Act and is more beneficial to the employees, has to be preferred. Further, the object of the Act is to safeguard the service conditions of the employees. It, therefore, demands a liberal interpretation.

The present incident pertains to year 1977 and the petitioner was dismissed from service from Feb. 1982. He has already suffered agony of long trial and facing of the deptt. proceedings the justice must be tempered with mercy and the erring workman should be given the opportunity to reform himself are principle which should be kept in mind while dealing with the punitive action taken against the workman. The workman during the course of inquiry as well in the proceedings voluntarily has admitted the action of committing the forgery of signatures of his father by mistake. Due credit should be given to his mercy.

Takingover all view of the matter it would be adequate if the punishment of dismissal of the petitioner be substituted with stoppage of four increments with cumulative effect however with continuity of service. The petitioner shall not be entitled to backwages at all. Thus the management is directed to reinstate the petitioner within four weeks from the date of the publication of this Award and his pay should be fixed in view of the substituted punishment given above. In a way reference is answered accordingly.

Chandigarh.

24-9-1992.

Announced subject to the approval of,
Ministry.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1992

का.आ. 3108.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, नेशनल इंग्लोरेल्स कम्पनी लिमि. के प्रबन्धतन्त्र के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-92 को प्राप्त हुआ था।

[संख्या एन-17011/67/89-नार्थ स्टार (बैंक I)]

बी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 20th November, 1992

S.O. 3108.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of National Insurance Co. Ltd. and their workmen, which was received by the Central Government on 19-11-92.

[No. L-17011/67/89-IR (B-I)]
V. K. VENUGOPALAN, Desk Officer
ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NEW DELHI

ID. No. 47/90

In the matter of dispute between :

Shri Atma Ram S/o Shri Ram Karan Singh, Village
Sanatha, Teh. Mawana, P.O. Gadina, Distt. Meerut-
230401.

Versus

The Divisional Manager, National Insurance Company
Ltd., Begum Bridge, Meerut-250001.

APPEARANCES :

Shri N. K. Verma—for the workman.
None—for management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-17011/67/89-IR(B)-I dated nil has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of National Insurance Company Limited, Meerut in terminating the services of Shri Atma Ram S/o Shri Ramkaran Singh w.e.f. 13-11-1987 is legal and justified? If not, to what relief the workman concerned is entitled?”

2. The case was fixed for further proceedings on application filed by the representative for the workman that his workman had since expired. Today the representative for the workman made statement that the workman has since expired and his legal heir do not want to contest the matter. So No dispute award may be passed in this case.

3. In view of the above situation no dispute exists between the parties and No dispute award is passed in this case leaving the parties to bear their own costs

13th October, 1992.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 1992

का.आ. 3109.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पंजाब एण्ड सिन्ध बैंक के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-92 को प्राप्त हुआ था।

[संख्या एल-12012/60/92-आई आर बी-2]
वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 20th November, 1992

S.O. 3109.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab and Sind Bank and their workmen, which was received by the Central Government on 19-11-1992.

[No. L-12012/60/92-IR (B.II)]
V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, NEW DELHI

I.D. No. 58/92

In the matter of dispute between :

Sachiv, Flat No. 73, Sector 14, Plot No. 12, Sheetal
Apartments, Rohini, Delhi.

Versus

Assistant General Manager (P), Punjab and Sind Bank,
Bank House, 21, Rajender Place, New Delhi-
110005.

APPEARANCES :

None—for the workman.
Shri Paramjeet Singh—for Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/60/92-IR.B-2 dated 3-7-92 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Punjab & Sind Bank New Delhi, was justified in non-absorbing Shri Baljit Singh in the service of the bank w.e.f. 1-10-89? If not, to what relief is the workman entitled to?”

2. Notice of this reference was sent to the workman. He was served registered notice and A.D. was received back but he did not appear nor any one else appeared on his behalf. The representative for the management also appeared later on that date. Since there is no statement of claim nor the workman has appeared himself I am of the view that no dispute exists in this case between the parties and accordingly No dispute award is passed leaving the parties to bear their own costs.

19th October, 1992.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 25 नवम्बर, 1992

का.आ. 3110.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिण्डिकेट बैंक के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-92 को प्राप्त हुआ था।

[संख्या एल-12012/97/90-आईआरबी-2]
वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 25th November, 1992

S.O. 3110.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 23-11-92.

[No. I-12012/97/90-IRB-II]

V. K. VENUGOPALAN, Desk Officer.

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 159/90

J. K. Bajaj

Versus

Syndicate Bank.

For the workman—Shri Subhash Lamba.

For the management—Shri K. Laxminarayan.

AWARD

Central Government vide gazette notification No. I-12012/97/90-IRB-II dated 7th August, 1990 issued U/S 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Syndicate Bank in relation to their Radaur Branch in awarding the punishment of withholding one increment for one year of Shri J. K. Bajaj, Clerk and also denying of full wages for suspension period to Shri Bajaj is just, fair and illegal? If not, to what relief the workman concerned is entitled to?"

2. In the statement of claim it has been alleged that the petitioner is permanent employee of Syndicate Bank and posted at Radaur Branch of the Bank. Being award staff member he is governed by the provisions in award/Bipartite settlement and the active member of the Syndicate Bank Employees' Union. It is further alleged that being vindictive against the workman the branch manager of the said branch in connivance with other officer hatched a conspiracy and implicated him in false case of disorderly and riotous behaviour and to cause the damage to the property of the Bank. It is further alleged that in response to the alleged charges, refuted the charges and requested the disciplinary authority to withdraw the said charges. Let the disciplinary authority ordered for the enquiry. It is further alleged that the Enquiry Officer was completely, partially with the management and no proper and reasonable opportunity was given to him to defend his case which violates the principle of natural justice. It is further alleged that the Enquiry Officer only relied upon the main complainant i.e. Branch Manager and thus findings of the Enquiry Officer was perverse based on the presumptions and preplanned. It is further alleged that the disciplinary authority while awarding the punishment did not adjudicate the matter of merits and inflicted the punishment of withholding one increment and withholding of salary for the illegal suspension period. It is prayed that the keeping in view of the past record, and defective enquiry proceedings, the management may be directed to withdraw the order of stoppage of one increment and directed to make the payment of arrears of suspension period with all consequential benefits.

3. Respondent management filed written statement and denied the allegation contained in the statement. The stand has been taken that the findings of the enquiry officer was based on the careful consideration of the evidence produced before him. It is further pleaded that on 23.9.1986, the petitioner argued with the branch manager on behalf of one of the employees and he alongwith other members struck the work. The manager deducted the wages on the princi-

ple of no work no pay and intimation with regard to this was given to all the employees on their request. While acknowledging the receipt of the letter the petitioner made some remarks on the office copy even though he was advised by the manager not to record such remarks on the office copy. Thereafter he demanded return of office copy to him. When the manager expressed his inability he hit him on the chest and attempted to snatch the office copy from him. In this process the letter was partially torn. The petitioner was suspended and the enquiry was ordered. The enquiry was conducted with utmost regard to the principle of natural justice and full opportunity was given to the petitioner to defend his case. The disciplinary authority agreed with the findings of the enquiry officer and imposed upon the punishment of withholding one increment without cumulative effect and warning and prayed for the dismissal of the claim.

4. Replication was also filed reasserting the claim made in the claim petition.

5. In support of his case the petitioner rendered in evidence his affidavit Ex. W1 and produced himself as WW1 and relied on the documents and from the management got approved documents XI and XY. The management produced Mr. K. Laxminarayan who tendered his affidavit Ex. M1 and produced himself as MW1 and close their case.

6. Workman filed written arguments and both the parties have been heard orally and I have gone through the record and evidence of the case. Rep. of the workman has laid a stress that he was not afforded reasonable opportunity to defend his case in the enquiry. The enquiry officer was biased and was pro-management and anti-workman and a false complaint has been registered by the then branch manager in connivance with other officer on account of his trade union activities. After perusing the record and the documents placed on the record contentions raised by the rep. of the workman are mordless. It is settled principle of law that enquiry cannot be said to have properly held unless employee proceeded against has been informed clearly of the charges levelled against him. (i) the witness are examined in the presence of the employee in respect of the charges, (ii) employee is given fair opportunity to cross-examine the witnesses, (iv) he is also given fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter and (v) enquiry officer record his findings with reasons for the same in his report. Enquiry proceedings have been placed on the record by the management. Undoubtedly the management of a concern has powers to direct its own internal administration and discipline but the powers are not unlimited and when dispute arises. The Tribunal has given the powers to see whether the punishment given on workman is justified and to give proper relief. In case of dismissal or misconduct the Tribunal does not ever act as a Court of appeal and substitutes its own judgement for that of management. The Court will interfere only (i) when there is want of good faith, (ii) when there is victimisation or unfair labour practice, (iii) When the management has been guilty of the basic error or violation of principles of natural justice, (iv) when the material findings are completely baseless or perverse. However in the instant case from the evidence and document there is no indication to the effect that the petitioner was not afforded reasonable opportunity to defend his case. In this context the evidence of the petitioner himself is very relevant when he appeared as WW1. In cross-examination he had admitted that throughout the enquiry he was being represented by M. R. Garg who is Chairman of the Syndicate Bank Employees Union. He has also admitted that all the management's witnesses were cross-examined by him. He has also admitted that at his request some sittings of the enquiry were held at Radaur Branch. He has admitted that Mr. M. R. Garg was also examined as defence witness as a last witness. He has also admitted that he was given personal hearing before the disciplinary authority. From this it is quite apparent that full opportunity was given to the workman to defend his case during the course of enquiry and now it does not lie in the mouth of the workman that he was not afforded reasonable opportunity to defend his case. Another plea raised by the petitioner that false case has been registered against him at the instance of the Branch Manager being his Trade

Union activities is again meritless as, there is no cogent evidence of the record to show that the said Branch Manager was in any way inimical towards the petitioner rather the petitioner himself has admitted in cross-examination that no memo was ever issued to him by the said Branch Manager prior to 29-11-1986 the date of incident. He has also admitted that he has no complaint against Mr. Kumar, the branch manager prior to 29-11-1986. This indicates that had the branch management inimical towards the petitioner there would have been certain earlier complaints against the said branch manager at the instance of the petitioner or notice or memo by the said branch manager to the petitioner. In absence of which there is clear indication that branch manager was not in any way inimical towards the petitioner.

Next plea taken by the petitioner that the enquiry officer was biased against the petitioner. This plea is too far fetched to be accepted. Firstly the petitioner in his cross-examination has admitted that prior to the incident he was not known to the enquiry officer. Further more fact that the enquiry officer is an employee of the Bank/management cannot lead to the assumption that he is bound to decide the case in favour of the management. Like wise the fact that the enquiry officer was subordinate to the disciplinary authority would be no ground for holding that he acted mala fide and had biased against the delinquent employee. Thus in the absence of any special bias attributable to a particular officer it can never be held that enquiry is bad just because it is conducted by an officer of the employer.

Further it is settled law that the domestic enquiry need not to be conducted in accordance with the technical requirement of criminal trial. However they must be fairly conducted, consideration of fair play and natural justice and the same has been done. Workman has not shown any irregularity in the enquiry proceedings. He has also admitted that he was given personal hearing before the disciplinary authority. Sufficient reasoning has been given by the enquiry officer in his enquiry report. Disciplinary authority while imposing punishment of stoppage of one increment for one year and as well as warning has passed the speaking order. The appellate authority has also given adequate reasons while dismissing the appeal.

In view of the discussions made in the earlier paras it is held that the enquiry has been conducted in all fairness and workman was given adequate opportunity to defend his case and action of the management in awarding the above said punishment to the petitioner is justified and the workman is not entitled to any relief what so ever.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 27 नवम्बर, 1992

का.आ. 3111.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार वीक आफ इण्डिया के प्रवर्धनत्व के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकार (नं. 2), धानाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-92 को प्राप्त हुआ था।

[संख्या नं. L-12012/874/88-डी.II(ए)]

वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 27th November, 1992

S.O. 3111.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation

to the management of Bank of India and their workmen, which was received by the Central Government on 24-11-92.

[No. L-12012/874/88-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 11 of 1989

PARTIES:

Employers in relation to the management of Bank of India, Dhanbad and their workmen.

APPEARANCES:

On behalf of the workmen: Shri D. Mukherjee, Advocate.

On behalf of the employers: Shri B. Joshi, Advocate.

STATE: Bihar.

INDUSTRY: Banking.

Dhanbad, the 18th November, 1992

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/874/88-D.2(A) dated the 15th May, 1989:

SCHEDULE

"Whether the action of the management of Bank of India in dismissing from service Shri Madan Prasad Singh is justified? If not, to what relief is the workman entitled?"

2. Shri Madan Prasad Singh, the concerned workman was issued chargesheet dated 28-2-1983 for he was alleged to have entered into the chamber of Shri J. B. Bhaosar, the Branch Manager, Jharia Branch of the Bank of India on 18-2-1983 and had used derogatory language and also assaulted on his person. He was issued chargesheet to which he replied denying all the charges levelled against him. It was stated by the concerned workman that the chargesheet issued against him was not issued by a competent authority. However, a domestic enquiry was held and the workman had to say that the enquiry officer was not appointed by an authorised person. At this stage I would like to mention that the fairness of enquiry has been held to be unfair and against the principles of natural justice and the management has been directed to produce his witness to prove the charges against the concerned workmen.

3. The concerned workman further stated that he has been illegally chargesheeted and no occurrence worth the name took place. Accordingly he has prayed for his reinstatement with full back wages.

4. The management on the other hand submitted through the W.S. that the concerned workman was chargesheeted for his misconduct on 18-2-83 during the duty hours when he had abused Shri J. B. Bhaosar, the Branch Manager. He was also chargesheeted for he had committed assault on the person of Shri Bhaosar by throwing Pen stand on his person. The management has to say that in the domestic enquiry he was found guilty and in view of the seriousness of the charges he was dismissed from service with effect from 16-2-84.

5. In the circumstances of the case we have to see whether the action of the management in dismissing Shri Madan Prasad Singh from the service was justified?

6. The concerned workman has been charged for his misconduct under clauses 9.5(c), 9.5(e) and 9.5(f) of the first

bipartite settlement dated 19-10-80. Clause 9.5(a) speaks of drunkenness, riotous disorderly and indecent behaviour on Bank premises. Clause 9.5(c) is with regard to wilful insubordination or any lawful or reasonable order of the manager or superior. Lastly clause 9.5(g) is for doing act prejudicial to the interest of the Bank.

7. The allegation against the concerned workman as stated above was that he entered the chamber of Shri J. B. Bhosale at about 10.20 A.M. on 18-2-83. He abused Shri Bhosale and also used derogatory language as enumerated in the chargesheet (A.M. M-1) and also caused injury to his person by throwing Pen stand. As per allegation in the chargesheet I think there can be application of clauses 9.5(c) and 9.5(e) for the concerned workman was alleged to have shown disorderly and indecent behaviour by indulging into exchange of hot words with the Branch Manager. He was asked to go out of the chamber but he did not. He further assaulted the Branch Manager and all the things taken together arrest the ingredients of clause 9.5(e). In my opinion there can be no application of 9.5(i).

8. Now in the light of the allegation let us see how for the management has been able to prove the charges against the concerned workman. The concerned workman had replied to the chargesheet Ext. M-2 simply denying the charges. There are few other documents relating to the appointment of the Enquiry Officer and Presenting Officer and the enquiry proceeding and the enquiry report etc. which are not very necessary to be referred for the enquiry has already been held to be unfair.

9. The manager has examined 5 witnesses to prove the charges against the concerned workman. Shri B. D. Parkaria, MW-1 is Special Assistant and claims to have reached the office at 10.00 A.M. He also claims to have seen every part of the occurrence with his own eyes. He stated that he saw the concerned workman assaulting the Manager with the pen stand. The witness stated that he himself entered the chamber and took the concerned workman out of the chamber. According to him there were other bank staff who had reached the place of occurrence and seen every thing. He has named Kisun Balmiki, Rajendra Prasad, Dinesh Bagti and B. K. Mishra who had reached the place of occurrence. The witness by his own statement appears to have made himself very much important in the sense that it was he who had intervened into the matter physically by entering into the chamber and driving the concerned workman out and thus he saved the situation from becoming bad to worse. However, the witness never stated that any other person who had already arrived the place of occurrence had ever intervened or chastised the concerned workman for his disorderly behaviour shown to the Manager. Since he was an important witness he should have been also examined by the Enquiry Officer during the course of domestic enquiry but it is very astonishing that he was not a witness in the domestic enquiry. This is the point which concerns much and casts the shadow of doubt about the veracity of this witness. His presence at the place of occurrence has been made further improbable in the sense that the witness named by him did not speak even a word about the basic facts performed by him when he entered the chamber and drove the concerned workman out. The witness stated that he had submitted written statement before Shri L. K. Saini MW-5 who had held the enquiry in connection with the matter. His statement is P.W. M-5. The witness has named Kisun Balmiki who has been examined as MW-2. He being a sweeper had reached the office at 8.00 a.m. but he denied to have been any part of the occurrence. However, he had simply stated that there was some exchange of hot words between the concerned workman and the Branch Manager. He himself did not go to the chamber of the manager.

10. Shri Rajendra Pd. is MW-4. He was not examined in the domestic enquiry. He stated to have seen the Pen stand striking on the shoulder of Shri Bhaoasr. In the very chief examination he stated that he did not see as to who had thrown the pen stand. Here I would like to mention that there are certain facts which can be taken notice by the Court. The question is that the pen stand most probably must be lying on the table of the branch manager. The distance between the Manager and the striker must be very thin and short and in the given situation there can be no

person as to why this witness will see the pen stand being thrown and he will not see the striker. He had submitted his W-2 before Jim Beth, M-26 where he stated to have seen the concerned workman throwing pen stand on the person of the Branch Manager. This means the witness is either suppressing the real fact or he did not see anything. Thus he became a witness of no use either to the management or to the concerned workman.

14. Shri B. K. Mishra is a probationary officer. His evidence is given in (A. 105-44). According to him the occurrence took place at 10.15 a.m. and he had seen every thing in his own eyes. In cross-examination he admitted that he was examined before the Enquiry Officer where he stated to have reached the office at 10.25 a.m. I find that this witness by making a changed statement here specially with regards to timings has falsified his presence by his own statement.

12. Shri L. K. Seal is MW-5. Admittedly, he is not an eye witness to the occurrence. He had held preliminary enquiry. In the shape of enquiry he had simply collected the written statement of the staff who had seen the occurrence which have already been dealt with. He had seen the pen stand but the most surprising aspect of the matter was that the alleged pen stand was neither seized nor produced in the domestic enquiry. However, he stated that the distance from which the pen stand was thrown will cause injury if not resisted. He further stated that he did not see either external or internal injury on the person of Shri Bhaosar. The learned counsel for the workmen at this stage contended that non-existence of any injury on the person of Shri Bhaosar will improbabilise the whole story. He in his continued argument stated that the very genesis of the occurrence has not been proved. As per allegation one man had approached Shri Bhaosar in his chamber and had asked him for his engagement as Badli Sepoy. It is stated that he was a man of the concerned workman but the concerned workman has denied to have ever sent any man for such engagement. Actually who was that man and what was his name could not be known. As regards the assault it can be said that the presence of injury is not necessary at all. Mere show of force will amount to assault under the definition as provided under the Indian Penal Code. In this respect the statement of Shri Seth cannot be given its due consideration when he stated that he did not see any injury on the person of Shri Bhaosar. This witness was not an expert and therefore his opinion about the possibility of any injury or no injury cannot be accepted.

13. Shri Bhaosar, MW-3 has examined himself and stated his case but as stated earlier there is none to support the alleged occurrence and particularly the story of assault. The witness stated that prior to alleged occurrence the concerned workman had never misbehaved with him. He had also never approached him for engagement of any man as Badli Sepoy. In the normal course and as per normal human behaviour it was expected that the concerned workman would have approached Shri Bhaosar first with a request for engagement of his man. But there was nothing like that and that again casts the shadow of doubt about the very genesis of the occurrence. Shri Bhaosar had reported the matter to the Regional Manager (M-25) giving out every details of the occurrence.

14. However, the concerned workman denied to have indulged in any such activities. He denied to have entered into the chamber and assaulted the Branch Manager. He was acquitted an accused in a criminal case and he was convicted by the Court of Sessions Judge and sentenced to life imprisonment. As stated by the concerned workman an appeal against the judgement was pending subjudice before the Hon'ble High Court. I think that criminal case cannot be a base or the reason for consideration of the instant case. Moreover, he was not chargesheeted for his conviction in the criminal trial.

15. I have looked into the entire evidence and the circumstances of the case. The story of assault has not been proved but there is evidence on the point that the concerned workman indulged in hot dialogue with Shri J. B. Bhaosar his superior. I think that will come within the purview of the definition of disorderly behaviour. But the order of dismissal

for misbehaviour is definitely disproportionate and against the principles of natural justice. In the circumstances I would set aside the order of dismissal and reinstate the concerned workman in his original job with stoppage of one future increment. The word future means the increment now falling due first in point of time. But in the circumstances of the case there will be no order as to back wages. The management is thus directed to reinstate the concerned workman in his original job within one month from the date of publication of the Award.

B. RAM, Presiding Officer

नई दिल्ली, 23 नवम्बर, 1992

आ. आ. 3112 :- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुकरण में, केन्द्रीय सरकार वेस्टर्न कोल-फील्ड्स लि. कान्हान ऐरिया के प्रत्यक्ष के संरक्षित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, प्रारम्भिक और समन्वय, स्टिडी पीफ लेबर कमिशनर, (सी) (रिटायर्ड) के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

[संख्या एल-22025/3/92-आई.सी. (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd November, 1992

S.O. 3112.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Arbitrator, Shri K. Shanmughavel, Dy. Chief Labour Commissioner (C) (Retd.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Ltd., Kanhan Area and their workmen, which was received by the Central Government on

[No. L-22025/3/92-IR(C.II)]

RAJA LAL, Desk Officer

ANNEXURE

MADRAS

15-1-92

BEFORE SHRI K. SHANMUGHAVEL, DY. CHIEF LABOUR COMMISSIONER CENTRAL (RETD.) AND ARBITRATOR

In the matter of Arbitration of an Industrial Dispute between the management of Kanhan Area, Chindwara (M.P.) of Western Coal Fields Ltd., and their workmen, represented by Samyukta Khadan Mazdoor Sangh (AITUC) Chandametta (MP) Chindwara regarding the Dismissal/termination of the services of S/Shri Mohd. Hanif, Maniram and Girish Kumar on the ground of impersonation,

APPEARANCES :

ON BEHALF OF THE MANAGEMENT :

Shri Deepak Mewar
Personnel Manager
Kanhan Area,
Western Coal Fields Ltd.

ON BEHALF OF THE WORKMEN :

Shri P. K. Banerjee,
General Secretary
Samyukta Khadan Mazdoor Sangh (AITUC)
Chandametta.

STATE : Madhya Pradesh

INDUSTRY : Coal

AWARD

Short Recital of the Case :

The management of Kanhan area of Western Coal Fields Limited, (hereinafter called the management) transferred by Shri Mohammed Khan S/o Bashir Khan and 30 others from 2959 GI/92—5

Sukri Colliery to Chikalmou Colliery with effect from 13-3-76. But the management of Chikalmou Colliery did not honour the transfer order. They refused to provide them employment. Samyukta Khadan Mazdoor Sangh (AITUC) (hereinafter called the union) raised an Industrial dispute over the issue of the refusal to provide continuous employment. Conciliation proceedings were held by the Assistant Labour Commissioner (Central), Chindwara. No amicable settlement could be arrived at in conciliation. On failure of the conciliation, the Government of India in the Ministry of Labour and Rehabilitation, Department of Labour had referred the dispute for adjudication, to the Central Government Industrial Tribunal-Cum-Labour Court, Jabalpur (MP) (hereinafter called the Tribunal) vide their Notification No. L-22011(7)/82-D. IV(B) Dt. 28/30-4-82. The terms of reference, relevant to the dispute under reference are as under :

"Whether the action of the management of Western Coal Fields Limited in relation to Sukri Colliery"

1. In transferring Shri Mohammed Khan, son of Bashir Khan and 30 others (as per List) from Sukri Colliery to Chikalmou Colliery with effect from 13-03-76 and not providing continuous job to these workers is justified? If not, to what relief are workmen concerned entitled?

During the pendency of the dispute in adjudication, the parties in their bilateral negotiations, held on 23-09-83 had arrived at an amicable settlement of the dispute. The parties had agreed that the settlement would be filed before the Tribunal with a prayer to pronounce it as its award. The Tribunal on examination of the settlement had opined that it was reasonable and good and would serve to promote cordial relation between the management and the workmen. So an award dated 30-03-1984 was accordingly passed by the Tribunal in terms of the settlement. The salient features of the award are :

1. Shri Mohammed Khan and 30 others mentioned in the reference would be employed on temporary basis which was likely to extend from time to time in piece-rated job in any unit of Kanhan area.
2. That in case the workmen in question did not join the duties within 30 days from the signing of the settlement, the workmen concerned would have no right for employment and it should be presumed that the workmen concerned were not interested in the job.
3. The award would be in full and final settlement and the workmen concerned would not be paid any back wages or any other relief. The union gave up all other claims with reference to the dispute.
4. Regarding the transfer of the workmen, contained in the terms of reference, the Tribunal observed that "as regards the transfer it appears from the terms of the settlement that they agree not to touch the question of transfer or reopen the same and they do not want the Tribunal to go into the question of transfer. The only question therefore that remains is about the reinstatement which shall be done on the terms as agreed by the parties."

The management as well as the union were anxious to implement the award as expeditiously as possible. But the required documents for verification of the workmen were not available with the management. So at the instance of the management Shri P. K. Banerjee, General Secretary of the union identified and certified S/Shri Mohammed Hanif, Maniram and Girish Kumar as the real, bonafide whose names were found in the reference to the Tribunal.

Appointment orders were issued by the personnel Manager Kanhan area vide his letter No. PM/25/83/3369 dated 17-10-83 to Shri Mohammed Hanif letter No. PM/25/83/3367 dated 17-10-83 to Girish Kumar and letter No. P.M./25/83/3367 dated 17-10-83 to Maniram. (hereinafter called the concerned workmen). They were advised to report for duty

to the Manager/Agent Nandan Colliery which was one of the constituents of Kanhan area. In pursuance to the appointment order the aforesaid concerned workmen reported for work at Nandan colliery with effect from 29-11-83. Since the time of their joining duty at Nandan Colliery, the management had received several complaints, representations through the state District authorities of law and order, from three alleged genuine workmen and from Rashtriya Koyla Khadan Mazdoor Sangh (R.K.K.M.S.) (INTUC) the recognised trade union of the area, regarding their genuineness. They had questioned the correctness, validity of the identification and certification made by Shri P. K. Banerjee. The bonafide of the workmen, employed were in doubt. It was contended that the real and genuine workmen whose names were found in the list of reference to the Tribunal were not employed. For financial considerations, false persons with the similar names were foisted upon the management. The management had therefore advised the concerned workmen to prove their genuineness by producing authorised documents. It was said that they did not produce them. Now and then on this account they were stopped from work. One of them, Shri Girish Kumar was even suspended from work on 16-06-85 pending enquiry on the charge of furnishing false name of himself, of his father's and for obtaining the job fraudulently. Every time, on such occasions the Union effectively made representations to the management and the workmen were put back on work. Ultimately on receipt of reports from the Law and order authorities and vigilance department of the Chindwara District of the M.P. Government saying that the concerned workmen were imposters and they were not the real and correct persons, involved in the dispute for which a consent award was proclaimed by the Tribunal and their services should therefore be dispensed with forthwith and the persons who were found as the genuine persons would be employed. The management had dismissed their services from the management with effect from 30-3-86.

By serving strike notices under the provisions of the Industrial Disputes Act, 1947 and by conducting peaceful agitations the union pursued the issue of reinstatement of the three concerned workmen. It was dealt with at the local level of the management and at the forum of conciliation before the Assistant Labour Commissioner (Central) Chindwara; but no satisfactory solution was found out to resolve the dispute. When it was discussed at the level of the Director (personnel) of Western Coal Fields Limited it was resolved to refer the dispute to the arbitration of Shri B. G. Gupta an Advocate, Chindwara, under the code of discipline. The award of the Arbitrator which was in favour of the workmen was not implemented on the alleged ground that the arbitrator had pronounced the award without hearing the full case of the management. Again the issue was agitated upon by the Union. Consequently in conciliation an agreement dated 13-05-1990, was signed by the parties under Section 10A of the Industrial Disputes Act, 1947 and thus the dispute had been referred to my arbitration. The terms of reference are as under :—

"Whether the action of the management of Western Coal Fields Limited, Kanhan Area in dismissing/terminating the services of Shri Mohammed Hanif, Maniram and Girish Kumar on the ground of impersonation is justified. If not so, then to what relief the workmen concern are entitled to?"

CONSENT :

I have given my written consent to serve as an arbitrator vide my letter dt. 26-05-1990. The arbitration proceedings were held on 28-06-90, 09-08-1990, 17-09-1990, 16-02-1991, 18-02-91, 09-07-91, 10-07-91, 12-07-91, 21-08-91, 23-12-91 at Nagpur and on 26-08-1991 at Parasia.

Written statements, rejoinders from the parties were submitted before me. they were exchanged in my presence. documents were filed and the process of acceptance and rejection had gone through. Evidences written as well as oral were adduced and finally the parties had argued their respective positions of the case. They had also submitted their written arguments.

According to the agreement dated 13-5-1990 signed under Section 10-A the I. D. Act, 1947 the arbitrator was to give his award within the period of three months and if necessary would extend the time limit in consultation with both the parties. The time limit was extended now and then. Finally by their written statement dated 28th September, 1991 the time limit was extended upto 15th January, 1991.

The Union's version of the case.

The management had adopted an attitude of animosity and victimisation towards the three concerned workmen from the time they were employed in Nandan Colliery. Some how or other they were not reconciled to the mutual settlement dated 23-9-1983 and the consent award dated 30-3-1984 by which the workmen had got back their employment. The victory of the Union in resolving the dispute had become an eyesore to the management and to the RKKMS (INTUC) a recognised union in the area which was functioning as a rival to SKMS.

It was alleged that the management received complaints, representations to the effect that the three concerned workmen were not the genuine workmen, involved in the dispute. They were not employed in Sukri Colliery. They were imposters and fraudulently identified and certified as the real workmen by Shri P. K. Banerjee. As such the concerned workmen should be dismissed from service and the real and genuine workmen S/Shri Mohammed Hanif, Maniram and Girish Kumar should be employed. As the bonafide workmen were not able to pay the Commission, demanded by the Union, their case of employment was ignored.

According to the Union, the above said allegations were spearheaded by RKKMS (INTUC) out of inter union rivalry and by the other interested parties out of malice and jealousy towards the union and to Shri P. K. Banerjee, the General Secretary of the Union.

The management should not have paid any attention to this type of wild and baseless allegations from interested parties. On the other hand they had strengthened the hands of the rivals of the union and started victimising the concerned workman and harassing the union in a vindictive manner. The three concerned workmen had produced the required valid documents from the local Government authorities to prove that they were the genuine workmen. Even then they were stopped from work now and then on the ground that they were imposters. The union was compelled to serve a strike notice under Section 22 of the Industrial Disputes Act, 1947. On the intervention of the ALC (C) Chindwara the management was directed to implement the award of the Tribunal in its true spirit. Consequently the Personnel Manager (Kanhan Area) had issued instructions to the Agent and Manager of Nandan Colliery Kanhan Area to take back the concerned workmen. He had informed them that the question of impersonation would be dealt with by the district authorities.

The concerned workmen were chargesheeted and suspended pending enquiry with effect from 12-6-1985. On the plea of furnishing false names. Again as in the past they were allowed to join duty as a result of strong union action. But the management did not give up their indulgence in the act of victimisation and harassment. The workmen were ultimately dismissed from service with effect from 30-3-86 without serving any chargesheet, without conducting the domestic enquiry to establish the charge under the certified standing orders of Sukri Colliery which governed their conditions of employment. So the union charged, that it was a gross violation of natural justice, practised in a premier public sector, like the Western Coal Field Limited. The management had based their action on a report of the Tahsildar, Junnardeo and the Chindwara District vigilance officer to the effect that the concerned workmen were imposters. Curiously the management did not employ the so called genuine workmen, another recommendation of the Tahsildar.

At one stage of the dispute, the Assistant Labour Commissioner (Central) Chindwara had advised the management to collect the records in respect of the concerned workmen from Sukri Colliery as well as from Nandan Colliery and compare their thumb impressions/signatures by thumb impression specialist to verify their genuineness and whose decision would be final and binding on the parties. The management did not care to comply with the advice.

Thereafter discussions were held at the level of Director (Personnel) of the management. It was agreed to refer the dispute to the arbitration of Shri B. D. Gupta, an advocate Chindwara, under the code of discipline. The arbitrator held the view that even if taken for granted that the concerned workmen were imposters they should have been given reasonable opportunity to prove their genuineness under the standing orders, applicable to them. As no opportunity was made available to them the management had violated the rules of natural justice. Besides the management had withheld important pieces of evidences by not producing the Form 'B' 'C' Register of Sukri Colliery. So adverse inference was drawn by the Arbitrator. By his award dated 27-6-1988 the arbitrator held that the dismissal/termination of the concerned workmen was not justified and they be reinstated forthwith with all back wages and other ancillary benefits from 30-3-86. The management did not implement the award on the alleged ground that their views of the case were not heard.

Again the union was forced to conduct agitation for getting justice to the concerned workmen. As a result of a conciliation settlement the dispute had been referred to my arbitration under section 10-A of the I. D. Act, 1947.

In view of the facts of the case as presented by them, the union pleaded that under no cannons of justice the dismissal/termination of the concerned workmen is justified and as such they shall be reinstated with all back wages and other benefits accrued thereon.

MANAGEMENT'S VERSION OF THE CASE :

Consequent upon the agreement between the parties and pronouncement of the award in question the management had requested Shri P. K. Banerjee, the General Secretary of the Union on 12-10-83 to furnish the addresses of the workmen covered under the agreement for getting their antecedents verified through police and for offering employment. The names and addresses of the workmen including that of the three concerned workmen were furnished on 15-10-1983. In the absence of availability of records for verification, the management had requested Shri P. K. Banerjee, to identify and certify the genuineness of the workmen as the legitimate workmen, entitled for employment. On his identification and certification they were employed in Nandan Colliery as per the terms of employment specified in the award, in the interest of industrial peace and of fair play. Soon after their employment three persons with the same names came forward and approached the management to offer them employment as they were the workmen, involved in the reference to the Tribunal. They claimed as the genuine and legitimate workmen. A presentation with similar content was received from the recognised Trade Union, the R.K.K.M.S. (INTUC) and from a few individuals. The law and order authorities of the District were also apprised of the representation. So the concerned workmen were directed to produce valid documents to prove their antecedents. They failed to submit the documents. So on this account the management was left with no other alternative other than to stop them from work now and then so that they would establish their genuineness and legitimacy. But at every time, on representation from the union, in good faith, the management had put them back on work.

The alleged legitimate workmen had also approached the Collector, Chindwara with their written representation for redressal of their grievances. He had instructed the District Vigilance Officer who happened to be the Deputy Collector of the District to take appropriate action in the matter. On direction, the Tahsildar Junnardeo conducted an indepth enquiry by examining the concerned workmen the claimants for employment by virtue of their genuineness and a few independent witness. He vide his letter No. K/Tah/85 dated 7-6-1985, reported that the three workmen who were identified and certified as the correct persons by Shri P. K. Banerjee were not the genuine and legitimate workmen. On the other hand, persons who had made representations and claimed as the genuine persons were the workmen entitled for employment. So he had recommended that they should be employed and the services of the concerned workmen should be terminated and they be handed over to police for taking criminal action against them for committing the act impersonation. This report was concurred and confirmed by the District Vigilance Officer. As a matter of fact it is said that the state had filed case against them which had been numbered as case No. 420, 467 of IPC. The district authorities, including the collector

had requested the management to take necessary steps to give concrete shape to the recommendations. The management being a leading Public Sector undertaking was duty bound to enforce the recommendations. Accordingly the services of the concerned workmen were dismissed with effect from 30-3-86. In the circumstances of the case, the management contended that a departmental enquiry under the provisions of the Industrial Employment (Standing Orders) Act, 1947 was not called for. There was no need to hold further enquiry, because the enquiry had already been conducted by the state authority which was impartial and free from bias. Besides, the subject matter for enquiry was not a case of misconduct, but it was a question of impersonation. When an individual who has no right for a job snatches it under false name on a wrong pretence then the appointment is null and void in toto. There was no claim for the concerned workmen for job and they got it through totally unworthy manner. However the management stated that in case the arbitrator felt that an enquiry should have been conducted, then they were prepared to do so by leading evidences before the arbitrator even though the burden of proof rested with the union. Accordingly the management produced (1) three persons, claiming as the genuine workmen (2) One independent witness (3) an activist of R.K.K.M.S. on 26-8-1991 and submitted a few documents to prove their case. They were examined and cross examined. The union had neither produced the concerned workmen nor submitted any documents in support of their case.

The management further contended that the workmen, referred to in the settlement and the award were not directly employed by the management. They were engaged through contractors.

In view of the above, presentation of the case the management pleaded that the dismissal of the concerned workmen S/Shri, Mohammed Hanef, Girish Kumar and Maniram was legal and justified on the ground of impersonation and the concerned workmen were not entitled to any relief.

The issues to be answered by me under the reference of the arbitration are :—

One is as to whether the termination/dismissal of the concerned workmen on the ground of impersonation is justified.

The second one is, if the dismissal is not justified then to what relief the concerned workmen are entitled to.

FINDINGS :

There is no difference of opinion between the Management and the union over the fact of dismissal/termination of the services of the concerned workmen with effect from 30-3-86. The difference of opinion lies on the ground which had prompted the action. Whereas the management holds the view that the concerned workmen are imposters and by impersonation they had fraudulently got the employment and their services were therefore rightly and justifiably dismissed/terminated, the union is of the opinion that the concerned workmen are the legitimate bonafide workmen. Besides no charge sheet was served on them and no domestic enquiry was conducted to establish the charge of impersonation. The Principles of natural justice were not allowed to come into display. And as such the action of the management is illegal and unjustifiable. So I have to analyse, examine the facts, placed before me during the proceedings and decide the issues framed by me.

What is the innate concept of impersonation ? Impersonation means that a person plays the part of another, he imposes himself to another person's place and personality bodily to have a gain. In a simple, layman's language it means that a person assumes the name and profile of another for taking advantage of the advantages of the latter.

In the dispute, under arbitration, I have to find out as to whether M/s. Mohammed Hanif, Girish Kumar and Maniram, the concerned workmen had impersonated M/s. Mohammed Hanif, Girish Kumar and Maniram whose names were found in the reference to the Tribunal.

The management heavily relied upon the report of the Tahsildar, Junnardeo and the Chindwara District Vigilance Officer and came to the conclusion that the concerned workmen had impersonated to gain employment in Western Coal

Fields Ltd. Shri P. K. Banerjee, General Secretary, SKMS and a few others of the management had lent their helping hand in this act of impersonation.

The difference of the bio-data particulars of the concerned workmen and persons claiming as real ones are as under :

Name	Concerned Workmen	Persons who claim to be the Real Workmen
Mohammed Hanif	(a) an outsider belonging to Gorakhpur, U.P. (b) Not educated (c) Doubt whether he is a Muslim (d) His Claim that he had worked in Sukri Colliery is in doubt (e) Not in possession of any certificate of education	(a) Native of Sukriward 15 (b) Worked for four to five months in Sukri Colliery as a casual workman (c) Educated (d) Muslim (e) In possession of an education certificate
Maniram	(a) Not resident of M.P. (b) Did not work in Sukri Colliery in the past.	(a) Worked in Sukri Colliery for one year. (b) Permanent resident of Junnardeo.
Girish Kumar	(a) Is a Singh (b) Correct name is Kaalesh (c) Resident of Raigarh	(a) Worked for 2 years in Sukri Majiri Colliery. (b) Is a Jain (c) Not an outsider.

The thumb impressions of the concerned workmen vary from that of those claiming as genuine workmen. Only the names are one and the same.

The Tahsildar was of the view that through secret connections between the Officers of the Western Coal Fields Ltd. and Shri P. K. Banerjee the concerned workmen got employment in Nandan Colliery, in the place of the genuine workmen. He had also emphatically came to the conclusion that the persons who claim to be genuine are the real workmen whose names are found in the reference to the Tribunal. So he had recommended that they be given employment and the services of the concerned workmen, be terminated.

The Chhindwara District Vigilance Officer had concurred with the report of the Tahsildar, Junnardeo and issued instructions to the management to terminate the services of the concerned workmen and to employ the persons who had been identified and certified by the Tahsildar, Junnardeo as genuine and legitimate workmen.

The management hold the view that the District authorities have issued instructions to the effect that the services of the concerned workmen who are imposters shall be terminated and the genuine persons be employed. The union disputes this statement. In this connection I have to record :—(1) It is a fact that the persons who claim to be the genuine persons had made a representation to the District Collector, Chhindwara saying that they were the genuine persons and they should be offered employment. It was forwarded to the District Vigilance Officer for enquiry and for action. The Dist. Vigilance Officer was also the District Dy. Collector. In the relevant period Kumari Pushpalatha was the District Dy. Collector. She had discussions with the applicants and assured them of necessary, suitable action. She had forwarded the representation to the Tahsildar, Junnardeo. He had made a full fledged, objective enquiry and submitted his report to the District Vigilance Officer vide his report No. Ref. K/Tah/85 dated 7-6-85. His report is the base for action of termination dismissal of the concerned workmen. I had carefully examined the facts, contained the report. He had given full opportunity to all those examined to give their free expression in the matter without any inhibition. Besides, Shri Hanif claiming as one of the genuine persons had made a statement, exactly on the lines of the Tahsildar's report at the time of adducing his oral evidence as a management witness on 20-8-91. Shri P. K. Banerjee while cross examining him did not object to the statement nor he had questioned the veracity of the report.

The Common proverb that there is no smoke without fire is to be remembered here. It is an accepted fact that since the time the concerned workmen were employed on 17-10-83. There were representation, complaints alleging that they were not the right persons, to be employed. The management had also doubted the bonafides of the concerned workmen. That was why they had stopped them from work now and then and only under effective activity from the union they were put back on work. This fact also answers the allegation of the union that the management from the very beginning of the

employment of the concerned workmen had embarked upon an activity of victimisation, harassment. Why should they indulge in such a type of action? After all the employment of the workmen, found in the reference to the Tribunal was born out of mutual settlement and consent award. It is beyond ones imagination to accept the statement of the union namely, a management employing thousands of persons become vindictive to the three workmen. This view is strengthened because whenever the concerned workmen were stopped from work on their failure to produce valid documents they were put back on job at the instance of the union. So I decline to accept the statement of the union in this regard. Secondly SKMS alleged that the management had acted on the dismissal/termination with collaboration of RKKMS. It is accepted and recognised that no trade union will oppose the interests of workmen, irrespective of their affinity, openly and publicly as done by RKKMS in the instant case, unless they are fully convinced of the facts of the case. They were only interested in the employment of the legitimate persons who happened to be local residents. During the time of examination and cross examination of witnesses, S/Shri Sankanth Deshpande, Organising Secretary (C) and President, Danua Branch-B, RKKMS (INTUC) and Niyamat Khan Clerk, Sukri Colliery and an INTUC activist. I had noticed the above attitude in them. The action of RKKMS had sprouted only out of their anxiety that only the right persons were employed. As a matter of fact in the initial stage of the dispute, the issue of employment was taken up and agitated upon for redressal by the RKKMS. Only when they were not able to deliver the desired results, the workmen turned to SKMS. It is only an accident that the posters of impersonation were pasted on Bharat Bandh Day, organised by Unions other than INTUC. I am convinced that this incident was not a by product of inter-union rivalry. Another allegation of SKMS is the management did not produce the Form 'B' and 'C' Registers of Sukri Colliery. According to the union it is a vital source of proof to establish the genuineness of otherwise of the workmen. It is only a technical point. I am not a Register of Sukri Colliery was not produced. However the pay sheets of Shri Girish Kumar and Shri Mohammed Hanif when they were in employment in Sukri Colliery were produced for the following period

Shri Girish Kumar for the week ending	—24-3-76
	31-3-76
	7-4-76
	14-4-76
Shri Mohammed Hanif for the week ending	—4-1-76
	7-1-76

Raising this technical point, by SKMS is unfair for the following reasons :—

- (1) Even according to the Mines Act, 1952 and the rules made thereunder the registers are to be maintained for a particular period only. The period pertains to 1976.
2. From the arbitration proceedings it is inferred that the workmen claiming as genuine persons, were not employed as direct employees of the management. They were employed through contractors. So at that time the practice might be that the contractors were to maintain the registers under their

custody. Even if it considered as a violation of the statutory provisions, SKMS as a vigilant union is also responsible for this lapse.

3. The Tribunal observed that "As regards to transfer it appears from the terms of the agreement that they agree not to touch the question of transfer or reopen the same and they do not want Tribunal to go into the question of transfer" SKMS is a party to the settlement referred to by the Tribunal. The concerned workmen are workmen of Nandan Colliery. So it is not fair on the part of SKMS to harp upon the point of production of Form 'B' 'C' Registers of Sukri Colliery at this late period.

4. The registers form 'B' 'C' of Sukri Colliery were to be produced for the purpose of verifying the photo, thumb impression, signature of the concerned workmen. But they were not produced, before. So the request of the union in this regard carries no meaning. It is an admitted fact that the union did not produce them as witnesses. When they were specifically requested to produce them, they replied that they were not producing any witness.

In view of the above facts I am to conclude that the concerned workmen are not the legitimate workmen listed in the reference to the Tribunal. They are a set of imposters they had impersonated to the legitimate ones.

Now the second issue is as to whether their dismissal/termination is justified on the basis of their impersonation.

The right course of action to be taken by the management under the circumstances should be two fold :

"1. Action could be taken in pursuance to the appointment order dated 17-10-83. Clause No. 4 says "the management reserves the right to terminate your services even before the completion of your tenure of appointment without notice if the situation so demands. After verification of your antecedents, if information, submitted by you at the time of initial appointment is found to be incorrect your services will be dispensed with summarily."

The verification and certification of the concerned workmen should have been made by the management on the basis of the verified facts, available. This important function of appointment should not have been delegated to a trade union in an atmosphere of multiplicity of Trade Union and inter-group rivalry in the management. This should have been an ideal proposition. Perhaps in the then existing atmosphere, the management were left with no other option other than to fall back upon a trade union which was a party to the settlement and to the consent award. However, the management had come to know of the false information, furnished by the concerned workmen, immediately on their employment. But the management failed to take action as per the conditions of the appointment which were accepted by the workmen. The legal aspect of the action might be contested by a few litigants. But there might have been a legitimate finality of the dispute at its initial stage, say childhood.

2. Disciplinary action against the concerned workmen, should have been resorted to under the Model Standing Orders for Industrial Establishments in Coal Mines, applicable to Nandan Colliery as the Colliery had no certified standing orders. Clause 17(o) which deals with Disciplinary action for misconduct states that giving false information regarding one's name, age, father's name, qualification, previous service at the time of employment, is a misconduct. The concerned workmen had given false information liable for disciplinary action. They had impersonated which is a misconduct. As a matter of fact Shri Girish Kumar one of the concerned workmen was charged with the commission of the above misconduct and he was suspended pending enquiry. Without proceeding further he was put back on job on the intervention of the union. In a similar case, in relation to Rakhi Colliery, Kanhan area of Western Coal Fields Ltd. Domestic Enquiry was conducted under the certified standing orders to establish the charge of impersonation. I do not know the circumstances which had prevented the management from holding domestic enquiry under the standing orders in the instant case. Is it not a discrimination? The Standing orders precisely define the disciplinary proceedings to be initiated and completed in accordance with the procedure laid down. No other procedure is acceptable.

The Tahasildhar, Junnardeo is not the competent authority to hold a domestic enquiry the standing orders and as such his conclusions are not binding the workmen and the management. His enquiry report is not a substitute to the domestic enquiry report. That might be cited as an evidence if warranted. In this connection I quote the opinion of the Personnel Manager, Kanhan Area addressed to the Manager, Rakhi Colliery Agent, Manager of Nandan Colliery vide his letter No. PM/25/84/2716 dated 3-9-84.

"The Award given by the Central Government Industrial Tribunal is to be implemented by the management and Tahsildar or any District Authority is not empowered to issue instruction for not implementing the award. The cases of impersonation have been referred to them for police verification and they will take legal action as deemed fit by them which is altogether a separate matter. Similarly, question of domicile certificate for those who are employed with a view to implement the award does not arise at all. Therefore, instructions issued by the Tahsildar to stop them from work is infructuous and without any meaning."

Despite the above observation which is the correct and matured counsel of a senior officer of Western Coal Fields Ltd. I wonder as to how the management had acted on the instruction of the District authorities.

In a recent case—CLJ, C. No. 1183/1986 dated 25-8-1989. The High Court of Patna observed that "it is an admitted fact that dismissal order was passed without holding any enquiry and is based on no evidence. It is not a reasoned order and the general explanation for all these lapses is that the petitioner was not traceable. That will not exonerate the respondents from their statutory duty in affording all reasonable opportunity to the employee to be heard before he could be dismissed from service".

The SKMS in support of their case, a Supreme Court Judgment recorded in AIR page No. SC-995 of year 1986 was quoted.

It is abundantly clear, that the dismissal of the concerned workmen is a violation of the principles of natural justice and as such it is not justified.

In the circumstances of my findings I need not deal with the allegation of the SKMS saying that the management had not compelled with the findings of the ALC (C) Chindwara, as communicated to the P.M. Kanhan Area, vide his letter No. CHA-1(I) 87-G dated 11-9-87. Besides in subsequent discussions the union had agreed to refer the dispute to arbitration.

The checkered career of the concerned workmen is interesting and revealing. This might have been caused due to the vacillation and indecision on the part of the local management of Western Coal Fields Ltd. Inter group rivalry among the management might have been an additional factor. This is referred to by the Tahsildar in his report. Incidentally I may remark that firmness coupled with fairness, when practised simultaneously in dealing with human resources are the prime pillars of sound industrial relations.

In view of the findings of the case I hold the view that the action of the management of Western Coal Fields Limited, Kanhan Area, in dismissing/terminating the services of S/Shri Mohammed Hanif, Maniram and Girish Kumar on the ground of impersonation is not justified.

After having affirmed that the dismissal is not justified on the ground of impersonation I have to decide the relief for which the concerned workmen are entitled to.

The Act of impersonation by the concerned workmen had come to light and to the notice of the District Law and Order authorities—Who are contemplating of completing Criminal Action against the concerned workmen. Foul and immoral means should be discouraged. Under the foundation of any known justice, and of any stretch of imagination they are not entitled to reinstatement. Nevertheless as they were illegally and thereby unjustifiably separated permanently from the management they are entitled to compensation as under :

(1) An amount equivalent to three months wages as notice pay.

(2) An amount equivalent to 15 days wages for the year 1984, 1985, 1986, 1987, 1988, 1989 and 1990.

I sincerely feel that by this award the dispute under reference, given birth on 17-10-83 should disappear and the consequent effect shall merge with the industrial peace of Western Coal Fields at least in 1992.

The above decision of mine shall satisfy the ends of justice and fair play and accordingly I give my award.

K. SHANMUGHAVEL, Rtd. Dy. Chief Labour Commissioner (Central) and Arbitrator.

Madras.
15-01-92.

नई दिल्ली, 23 नवम्बर, 1992

का. भा. 3113:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेटल वेयरहाउसिंग कॉर्पोरेशन चंडीगढ़ के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया चंडीगढ़ के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 20-11-92 को प्राप्त हुआ था।

[संख्या एल-42012/64/86-डी II (बी)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 23rd November, 1992

S.O. 3113.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Warehousing Corporation Chandigarh and their workmen, which was received by the Central Government on the 20-11-92.

[No. L-42012/64/86-D.II(B)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-cum-
LABOUR COURT, CHANDIGARH

I. D. 43/87

Ram Asre Vs. Central Warehousing Corpn.
For the workman.—Shri Tajinder Singh.
For the management.—Shri Vinod Kumar.

AWARD

Central Govt. vide gazette notification No. L-42012/64/86.D.II(B) dated 19th June 1987 issued U/S 10(1)(d) referred the following dispute to this Tribunal for adjudication :

“Whether the termination of services of Shri Ram Asre, Casual workmate with Asstt. Engineer, Nabha Central Warehousing Corporation by the Executive Engineer, CWC, Chandigarh from 14-3-86 is legal and justified? If not to what relief is the workman concerned entitled to and from what date?”

2. In the statement of claim it has been pleaded that the petitioner has put in nine months service and his services were terminated on 14-3-1986 without any notice, charge sheet, enquiry or compensation. He was drawing Rs. 21/24 per day. It is further pleaded that Shiv Lal, Rupinder Singh, Ram Sarup are juniors to him and are still continuing. It is further pleaded that the respondent has violated the provisions of Section 25-F, G and H of the I.D. Act and the action of the management is illegal and prayed for reinstatement with continuity of services with full back wages.

3. Claim of the petitioner was contested by the management. The stand was taken that the petitioner had worked

only for 225 days. It is further pleaded that the petitioner was engaged for particular job of purely temporary basis for temporary period and the project was held up and after the resumption of work no such post was required and no person was engaged in the same capacity of motor mate on temporary or regular. It was admitted that the petitioner was drawing of Rs. 21/24 per day. It was further pleaded that no provisions of the industrial dispute act has been violated and prayed for the dismissal of the reference.

4. Replication was also filed reasserting the claim petition.

5. The petitioner filed his affidavit Ex. W1 in evidence and produced himself as WW1 and also tendered in evidence Ex. W2 his certificate of experience. The Respd. management produced Mr. A. V. Ramanam who filed his affidavit Ex. M1 and produced himself as MW1 and relied on the documents M2 and M3 and close their case.

6. I have heard both the parties and gone through the record and evidence of the case.

The rep. of the petitioner has argued that the petitioner had worked more than 240 days from 21-6-1985 till his termination on 14-3-1986 and at the time of termination the management had not complied with the provisions of Section 25-F of the I.D. Act 1947 and prayed for the reinstatement with backwages. There is force in this contention. The respd. witness Shri A. V. Ramanam MW1 in his cross-examination has admitted that the petitioner had worked for 225 days. But in the same breath he has stated that these number of days are excluded rest days, leaves and holidays. He has also admitted that after six days of work 7th day is given as rest day. It is settled law that Sundays and other holidays are also be treated as days on which the employee actually worked under the employer for the purpose of Section 25-F read with Section 25-B of the I. D. Act 1947. From the evidence of the management's witness it is apparent clear that the petitioner had worked for more than 240 days if the Sundays and holidays are included. It is also a admitted fact as stated by the said witness Mr. A. V. Ramanam MW1 that at the time of termination the petitioner was not paid any retrenchment compensation or pay in lieu of notice. Thus the respd. management has certainly violated the provisions of Section 25-F of the I.D. Act 1947.

In view of the discussion made in the earlier paras the petitioner is ordered to be reinstated with continuity of service. However so far the back wages are concerned, in the circumstances of this case it would be deemed fit if 50% backwages are allowed to the petitioner. The reference is answered accordingly.

Chandigarh.

24-9-1992.

Announced subject to the approval
by the Ministry

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 30 नवम्बर, 1992

का. भा. 3114 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पैम्पन रेलवे, बम्बई के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक प्रतिक्रिया अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-11-92 को प्राप्त हुआ था।

[सं. एल-41011/37/82-डी 2 (बी) (पार्ट II)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 30th November, 1992

S.O. 3114.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Bombay and their workmen, which was received by the Central Government on 25-11-92.

[No. L-41011/37/82-D.II(B) (Pt.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI A. B. PATEL, PRESIDING OFFICER
INDUSTRIAL TRIBUNAL, AHMEDABAD

Reference (ITC) No. 12 of 1983

ADJUDICATION

BETWEEN

Western Railway Bombay .. First party

AND

The Paschim Railway Karmachari Parishad
Through its Joint Secretary
Shri Vishnu V. Saxena having office at
Dohra Chawl, Dr. Singh's Residence
Abu Road, Dist. Sirohi .. Second party

In the matter whether the action of General Manager, Western Railway Bombay in terminating the services of Shri Jitendra Singh Sethi, Janitor Western Railway Holiday Home Mt. Abu with effect from 18-9-1981 without any notice or compensation is justified? If not, to what relief the workman is entitled?"

Appearances :

Shri H. B. Shah, Advocate for the first party.
Shri Vishnu V. Saxena, Joint Secretary and Shri T. R. Mishra, Advocate for the second party-Parishad.

AWARD

This reference has been referred to the Industrial Tribunal, Ahmedabad by the Desk Officer of Govt. of India, Ministry of Labour & Rehabilitation, Department of Labour, New Delhi by his order No. L-41011/37/82/D-II(B) dated 9-12-83. Thereafter this reference was transferred to me by the Competent Authority by issuing proper order.

2. By Ex. 3 statement of claim the Second party-Paschim Railway Karmachari Parishad has stated that Shri Vishnu V. Saxena, Joint Secretary, Paschim Railway Karmachari Parishad filed this statement of claim as under : That Shri Jitendra Singh Sethi, one of the member of the Union was appointed in the services of Railways on 9-4-80 as Janitor and that he was posted in the Railway Holiday home situated at Mount Abu. Shri Sethi worked from 9-4-80 to 17-9-81 continuously and from 18-9-81 his services were arbitrarily and abruptly dispensed with by the Railway administration. It is respectfully submitted that the Railway Holiday home is a department of Railways and it is under the administration of the Divisional Railway Manager situated at Ajmer. Day-to-day functioning of the Railway Holiday home is being looked after by the Asstt. Engineer, Abu Road, Dist. Sirohi. The parishad vide its notice dated 29-6-92 served a notice of strike u/s 22 of the I. D. Act, 1947 intimating the administration that the members of the Union intends to resort to strike on 15-7-82 if the demand of the union is not considered by the Railway Administration. The demand of the Union was reinstatement of Shri Jitendra Singh Sethi with full back wages and continuity of service. Hereto annexed and marked Annexure 'A' is the copy of the Demand Notice served by the union u/s. 22 of the I. D. Act, 1947.

3. Thereafter the Conciliation Officer appointed under the provisions of the I. D. Act, 1947 and held conciliation proceedings at Ahmedabad. The Railway Administration came with a plea that the Railway holiday home was earlier a non-Railway Service Organisation and that the workman Shri Jitendra Singh Sethi was not a Railway employee. It was made clear during the course of the conciliation proceedings that the organisation of Railway Holiday Homes was no doubt initially the organisation managed by the Railway Officers from Railway Funds only and its entire activities was taken over some where in the month of May, 1980. The employees worked in the holiday-homes were deemed to have been absorbed in the permanent service of the Railway. The Railway Administration has filed comments before the Conciliation Officer. The Union thereafter had submitted a counter reply to the said comments. The Conciliation Officer having held the conciliation pro-

ceedings, the Railway Administration did not bother to appear before the Conciliation Officer and did not pay any need to the notices issued by the Conciliation Officer. The Conciliation Officer vide his report dated 18-11-82 submitted a failure report to the appropriate Govt. giving all the details of the dispute. The Govt. of India having examined the pros and cons of the dispute, vide its order dated 9-12-83 referred the aforesaid dispute u/s. 10(2)(d) of the I. D. Act, 1947 before the Hon'ble Industrial Tribunal at Ahmedabad for adjudication.

4. The Union respectfully submits that the aforesaid termination issued to Shri Jitendra Singh Sethi is illegal, invalid and inoperative in law on the following grounds amongst others.

5. That Shri Jitendra Singh Sethi was appointed under the Railway on 9-4-80 and he continued to work as Janitor upto 17-9-81 and from 18th September, 1981, his services were arbitrarily and abruptly terminated by the Railway Administration without any appropriate cause or reasons. It is respectfully submitted further that during the course of tenure of his service the work, conduct, sincerity and devotion to duty of the workman was found quite satisfactory and that there was no cause or complaint about this work, conduct, sincerity and devotion to duty. The Assistant Engineer, Western Railway, Abu Road has issued a certificate on 10-7-81 certifying the workman Shri Sethi is that his work was found quite satisfactory and that the workman is reliable honest and painstaking man.

6. It is respectfully submitted further that the impugned termination of the workman w.e.f. 18-9-81 is in flagrant violation to the elementary principles of the natural justice in as much as no reason whatsoever was assigned to the workman while terminating his service. The impugned action of termination of the workman Shri Sethi is in utter disregard to the mandatory provisions of Sec. 25-F of the I. D. Act, 1947 in as much as no compensation, notice or pay in lieu thereof was given while terminating the services of the workman Shri Sethi. It is respectfully submitted that immediately after terminating the services of the workman the Railway administration has recruited a fresh hand and thus the impugned termination of the workman is also in violation of Section 25-G & H of the I. D. Act, 1947.

7. It is further respectfully submitted that the impugned termination is in utter disregard to the rules and regulations framed by the Railway administration governing the service conditions of its employees. The impugned termination is also in violation of the I. D. Act, 1947 particularly Section 25-F read with Section 25-G and H and therefore the impugned termination of the workman deserves to be quashed and set aside on this ground alone.

8. It is respectfully submitted that while terminating the services of the workman, no reason whatsoever was assigned. However, a letter known as U.T.M. was issued by the Inspector of Works, Western Rly. Abu Road on 17-9-81 in the evening that the workman Shri J. S. Sethi, Janitor is relieved with immediate effect. It is respectfully submitted that Inspector of Works working in Railway is Class III post and the said Inspector of Works has no legal authority either to appoint or terminate the services of any Railway servant. The Inspector of Works has exceeded his jurisdiction and power and therefore the impugned action of terminating the services of the workman deserves to be quashed and set aside.

9. In view of the aforesaid submissions, the Lordship be pleased to grant the following relief :—

- (a) That Your Lordship be pleased to direct the Railway Administration (The General Manager, Western Railway, Churchgate, Bombay) to reinstate the workman Shri Jitendra Singh Sethi on his original post of Janitor with full back wages and continuity of service as if his services have never been terminated from 18-9-81.
- (b) That Your Lordship be pleased to direct the Railway Administration to grant all fringe benefits like, leave, provident fund, bonus, passes and P.T.Os. as

if the workman is uninterruptedly continued in the services of the Rly. Admin.

- (c) That Your Lordship be pleased to reinstate the workman on his original post of Janitor and Your Lordship be further pleased to direct the Railway Administration to grant appropriate scale of Janitor to the workman.
- (d) Any other relief to which the Honourable Tribunal deems fit and proper in the interest of Justice together with costs.

10. At Ex. 5, Senior Divisional Engineer, Western Railway, Ajmer by his written statement has stated, inter alia, that the Paschim Railway Karamchhari Parishad is not recognised Trade Union. There are only two recognised Trade Unions on the Western Railway viz. Western Railway Employees Union and Western Railway Mazdoor Sangh. It is submitted that the Mount Abu being a Tourist Place, the Western Railway Staff Benefit Committee, headed by the Chief Personnel Officer, Western Railway, as the Ex-Officio Chairman had purchased a Building at Mount Abu and converted it in a "Holiday Home" for the welfare of the Railway employees, so that the staff could visit on tour Mount Abu with their families and stay for a limited period, on payment of nominal charges and charges so collected are credited to Staff Benefit Fund. It is submitted that the "Staff Benefit Fund" has been revised to meet with the expenditure on various items such as help to T.B. Patients, help to disabled and handicapped persons to meet with medical expenses, Technical Educational Assistance for higher Technical Education etc. It does not come within the definition of "Government Revenue".

11. It is further submitted that Shri Sethi was appointed as Janitor (Caretaker) of a Holiday Home on a fixed salary of Rs. 400 P.M. by the Staff Benefit Fund Committee vide letter No. E. 1075/ Holiday Home dated 8-4-80 with clear stipulation that his services were liable to be terminated at any time without giving him any notice and he will have no right whatsoever on the Railway and he was directed to report to Inspector of Works, Abu Road. It is pertinent to mention that in the Railway service the appointment is always given in the scale of pay with other allowances, whereas in the present case, it was on fixed salary of Rs. 400 p.m. The concerned workman was not a Railway employee. From the averments made above, it is submitted that the present case does not come within a purview of Industrial Dispute Act, 1947 and there is no violation of I.D. Act, 1947 in terminating his services on 18-9-81.

12. It is also submitting that the earnings from Holiday Home were exclusively being credited to the Staff Benefit Fund and the concerned workman was being paid from this fund only. The Railway Administration does not come in the picture and the question of reinstatement of the concerned workman in Railway service does not arise.

13. It is submitted that the Holiday Home at Mount Abu was taken over by the Railway Authorities from 1-4-81 on paper and the proposal to create the post of Assistant Inspector of Works grade 425—700(R) was moved. After getting the proposal from the Account and the sanction for creation of the post from the Competent Authority, the post was created from 18-9-81 and the service of Shri Jitendra Sethi was terminated.

14. It is further submitted that Shri Sethi had requested that he may be engaged as a substitute or as a casual labour vide his application. Since there is a ban on engagement of new faces as casual labour, the Headquarter Office, Bombay was approached to accord the sanction to the engagement of Shri Sethi as a casual labour vide letter dated 7-12-81 and 26-3-82.

15. The matter was under correspondence with the Headquarter Office. Meanwhile the Paschim Railway Karamchhari Parishad filed an application in June 1982 with the Regional Labour Commissioner (Central)—Ajmer for conciliation.

16. The Regional Labour Commissioner (Central), Ajmer vide his letter No. AJ/7(37)/82-RLC dated 3-7-82 fixed the

date for meeting as on 10-7-82 at Abu Road and the Divisional Personnel Officer apprised this position to the RLC (C)—Ajmer vide Minutes of the meeting dated 10-7-82.

17. Simultaneously, the Assistant Labour Commissioner (Central)—Ahmedabad fixed the meeting as on 9-7-82 at Ahmedabad vide his letter No. AD/1/315/82 dated 3-7-82. The Assistant Labour Commissioner—Ahmedabad was requested to postpone the meeting fixed for 9-7-82 and to fix up another date. The Assistant Labour Commissioner (Central)—Ahmedabad closed the case, as it was being heard by the Regional Labour Commissioner (Central) Ajmer vide his letter No. AD/1/315/82 dated 21-7-82.

18. The Assistant Labour Commissioner (Central) Ahmedabad was advised vide letter No. E/Rcp/IDA/932/482/5 dated 6-11-82 that the matter to engage Shri Jitendra Sethi as Casual Labour is under correspondence with H.Q. Office. This communication was in continuation of the Minutes of 10-7-82.

19. The Assistant Labour Commissioner—Ahmedabad was again advised vide letter dated 19-11-82. This letter was received as undelivered from the Post Office Authority. The Asstt. Labour Commissioner—Ahmedabad closed the proceedings in "Failure" vide his letter dated 18-11-82.

20. From the above, it will kindly be seen that the Railway Administration was not given reasonable opportunity by the Asstt. Labour Commissioner (Central)—Ahmedabad nor he has taken into consideration the comments put forward by the Railway Administration.

21. As explained in the foregoing paras that Shri Jitender Sethi was engaged as a Janitor Holiday Home, Abu Road by the Staff Benefit Committee under the specific terms of (Contract) engagement that his services are liable to be terminated without giving him notice. The applicant was well aware about the terms and conditions of engagement, he cannot predicate at this stage. He himself has admitted that his service was purely temporary and therefore he has requested that he may be engaged as a substitute. The order terminating service of Shri Jitendar Sethi is illegal and as per terms of Contract. Shri Sethi was never appointed by the Railway Administration, but he was appointed by the Western Railway Staff Benefit Committee. He was never paid from the Government Revenue right from 9-4-80 to 17-9-81. His service was also terminated as per the terms and conditions laid down in his appointment letter. The allegations of the Parishad that the service of Sethi was terminated as arbitrarily is unfounded and not based on any document. The application of the concerned workman does not fall within the purview of the Industrial Dispute Act. Shri Jitendar Sethi was not a Railway employee and hence he does not come within the purview of definition of a "Worker". He was not governed by Railway rules nor he is governed by Industrial Dispute Act. Shri Sethi was appointed by the Staff Benefit Fund Committee and was directed to report for duty under Inspector of Works Abu Road. It is submitted that the Inspector of Works is competent to engage casual labour/ substitute and he is empowered to terminate the service. However, it is stated that Shri Sethi was not a Railway employee. On resumption of the Assistant Inspector of Works Mount Abu, Shri Sethi was discharged from service. The termination of service of Shri Sethi is valid, legal and as per terms and conditions of offer of appointment.

22. It is further submitted that the Railway Administration has considered the request of Shri Sethi to utilise him as a Casual Labour and have accepted the same. The Inspector of Works, Abu Road has been advised to engage the applicant Shri Sethi as a Casual Labour and also give him the seniority from 1-4-81.

From the averments made above, it will kindly be observed that—

1. Shri Jitendar Sethi was not a Railway employee.
2. Shri Jitendar Sethi was appointed as Janitor by the Staff Benefit Fund Committee on specific terms and conditions.
3. Shri Jitendar was never paid from the Government Revenue.

4. Shri Jitendar Sethi can now be engaged as a Casual Labour.

Under the circumstances, it is requested that the application may please be dismissed.

23. The concerned workman, Shri Jitendra Sethi has deposed before this Court at Ex. 10. He has deposed on oath at he was working as Janitor at Railway Holiday Home, Mount Abu. His pay was fixed at Rs. 400. He was appointed on 19-4-80 and he was relieved from service on 18-9-81 that he had worked continuously upto 18-9-81. He was not given any leave as Janitor. Under his control, one Hamal and one Sweeper were working. It was his duty to make entry in the register for the passengers who visit the Holiday home and to allot the room to the said passengers. Holiday home was under the charge of Divisional Personnel Officer, Western Railway. His immediate superior officer was Inspector of Works and his superior officer was Asstt. Engineer, Abu Road. He was required to work as per the instructions of I.O.W. He was relieved from the service abruptly and arbitrarily and without giving notice or notice pay or retrenchment compensation as per the provisions of sec. 25 of the I.D. Act. He was given one certificate dated 10-11-81 by Asstt. Engineer. At present, he is not doing any business or profession and he could not get any other job inspite of his best efforts. He had made applications in private industries as well as in railway. He is living with his uncle, Holiday Home in which he was working is that of railway administration. Only railway employees are being given accommodation and no outsider can be given accommodation in holiday home. In the cross examination, he has deposed in this Court that he had made application for that post and that was for the post at Holiday home Mount Abu. That application was submitted to the Secretary-Staff Benefit Fund Committee. It is true that he was appointed by Staff Benefit Fund Committee on 8-4-80. The Staff Benefit Committee has decided to start Holiday Home at Mount Abu that building was also purchased by the said committee. Thereafter, Holiday home was started by Staff Benefit Committee, for that holiday home, the accommodation was given to the railway staff only. He does not know as to whether a particular amount was being deducted from the staff towards that fund. That Inspector of works used to pay his pay as well as to Hamal. It is not true that Inspector of Works or was chairman of the Staff Benefit Committee. He had read his appointment letter and the facts stated therein are correct and that letter was upto 30-6-80. It is not true that on 18-9-81 he was relieved by the Staff Benefit Committee that on 17-9-81 there was I.O.W. at Mount Road. He was looking after the Holiday Home. It is not true that he was the Chairman of the Staff Benefit Committee. The order which was given by him is produced as Annexure-F to statement of claim. But that letter he was relieved from his service. It is true that his pay was not as per the pay scale. It is true that the pay of railway employee is always in the pay scales as per the pay scales it is not fixed salary. It is not true that as he was appointed by the Committee he was not offered pay scale. It is true that he had made request to give work as Casual labour. That application bears his signature. That application had no connection whatsoever for his service as a Janitor in the Holiday home that he was not given employment as casual labour. It is not true that because of that he had started proceedings with the Asstt. Labour Commissioner. But he had made efforts with the committee as he was given advice that he has been relieved wrongly. That Railway administration started holiday home from 18-9-81 and salary was made as per the pay scales to the employees working at Holiday home one post of Asstt. Inspector of Works was created in the pay scale of Rs. 425-200. Another post was that of Hamal in the pay scale of Rs. 196-232 and third post of Safai Yala-cum-Watchman in the pay scale of Rs. 196-232. No other post except three post as mentioned above was sanctioned. He does not know as to whether the post of Janitor was sanctioned or not. The certificate which has been given to him by the Asstt. Engineer was given by him personally. I have requested him to give certificate and it was given by him. That Railway administration had applied for giving sanc-

tion for him for that post of Casual labour sympathetically but that permission would not be obtained. The Divisional Personnel Officer is Chairman of the Committee as ex-officio. On 17-9-1981 when the charge of Railway Holiday Home was taken over by the Railway Administration one letter stating his services are not required was issued by the Divisional Engineer and that order was served to him through Inspector of Works. It is not true that he was appointed by the Staff Benefit Committee. It is not true that there was no relationship or master and servant between railway administration and him that after he was relieved from his service he has started his study for graduation, that he was also in search of a job. He had made efforts to get another job at so many places but he could not get any job because of his over age. That he is not having copy of any application submitted by him. That he is not having any documentary evidence. This his study time was restricted to the month of April in which examination was being held. That he had studied only for one year. It is not true that he did not make efforts for any other jobs because he had started his study.

24. At Ex. 14, one Vishnu Vinod has deposed before this Court on behalf of the concerned workman and he was a senior teacher in higher Secondary School on Abu Road which is run by railway administration. That he is working as Joint Secretary of the Western Railway Karamchhari Parishad. That Shri Sethi was a member of this Union. That in the Holiday Home at Mount Abu he was Janitor cum caretaker. That his pay was being paid by the Railway. If any mistake is committed by the concerned workman, there was I.O.W. as immediate superior officer and there after there was Asstt. Engineer, and over him there was Asstt. Engineer, Divisional Railway, Ajmer. Holiday Homes are under the controller of Divisional Engineer, Western Railway. Holiday Home is meant for the railway employees and it is not open to the general public. When Shri Sethi was relieved from service he was not given notice or notice pay or retrenchment compensation. Shri Sethi was appointed at Holiday Home which was started by Staff Benefit Committee. Thereafter the administration of Holiday Home was taken over by Railway Administration from 1-6-1980 and thereafter Holiday Home was under the direct supervision and control of the Railway Administration. When Shri Sethi was relieved from his service, Holiday Home was under the direct control and administration of Railway. There is a letter from General Manager which shows that Holiday Home has been taken over by Railway Admin. That he had produced the said letter at Ex. 15. In the cross examination, witness has deposed before this Court, that he was appointed as Secretary with Western Railway Parishad from July, 1979 are at that time there was no Holiday Home at Mount Abu that was started in 1980. It was started from staff Benefit Fund. He does not know as to whether building was purchased from staff Benefit Fund. The Divisional Personnel Officer, ex-officio was the Chairman of the Fund Committee. That Sethi was appointed at fixed salary of Rs. 400. That before 1-6-1980 the expenditure of Holiday Home was being done from Benefit Fund that the pay of Sethi before 1-6-1980 was paid from Benefit Fund. But thereafter it was not so. Shri Sethi had become a member of my Union in July, 1980. That Shri Sethi by giving an application had requested Railway Administration to give him work as a casual labour. He does not know as to whether recommendation was made on his application. The appointment letter given to Shri Sethi was valid upto 30-6-1980 after 1-6-1980 the administration of Holiday home was looking after by Asstt. Engineer. It is not true that the Committee was looking after Holiday Home upto 17-9-1981. It is not true that after 18-9-1981 it was taken over by Railway. Ex. 13 is the letter written by Shri Sethi. In that letter it is stated that after 17-9-1981 A.R.O. had resumed his work and that he was relieved on 18-9-1981. Shri Sethi was not a railway employee because he was relieved on 17-9-81. He was employee of Railway. It is true that in railway, there is no pay scale of fixed salary.

25. Thereafter, I have heard Shri V. V. Saxena, Joint Secretary, Parishad of Railway Karamchhari Parishad and Shri T. R. Mishra, the learned Advocate for the Union. Shri Saxena had submitted before me that Holiday Home was started in April, 1981 from Staff Benefit Fund for the benefit of Railway employees. Shri Sethi was appointed as Janitor on that Holiday Home, w.e.f. 1-4-1980. That one sweeper and one watchman cum mali was working under him. That Holiday Home was taken over by the Railway

Admin. W.O. 1-6-80. He has drawn my attention to chapter XII of Railway Staff Benefit Fund. In section 1201, it is mentioned that a Railway Staff Benefit Fund shall be maintained for each Indian Railway. In 1202, the Management of the Fund, it is mentioned that the fund shall be managed by a Committee at the headquarters of the Railway presided over by the Chief Personnel Officer. In Section 1204, it is mentioned that a member of the Committee or sub-committee shall hold office for one year unless he is removed by the General Manager or resigns but shall be eligible for re-nomination or re-election. In Section 1205, it is mentioned credits to the fund. To the fund shall be credited—(1) all receipts from fines, (2) all receipts from forfeited Provident Fund bonus, except forfeited bonus of gazetted railway servants; and (3) all other classes of receipts, which were previously credited to the Fine Fund. In Section 1206—There is a provision that in addition to the credits to the fund detailed in rule 1205, there shall be credited to the fund on the 1st April of each financial year an annual grant from the revenues of the railway at a per capita rate per non-gazetted railway servant, other than the one whose pay is charged to Capital, employed on the railways on the preceding 31st March less the amounts credited to the fund in the previous calendar year from the sources of income referred to in rule 1205. The Fund shall be credited provisionally on the 1st April each year with an amount equal to the contribution for the previous year, the necessary adjustment being made as soon as the correct amount of the contribution has been determined. The number of non-gazetted staff for the purpose of this rule shall be determined in thousands, fraction of a thousand being reckoned as a thousand. As per Rule 1207, Expenditure from the fund. Subject to the general supervision of the General Manager, all expenditure from the staff Benefit Fund shall be authorised by the Committee or by a Sub-Committee duly appointed under the provisions of rule 1203 and in Rule 1208. Objects of the fund—Education of the staff and of their children. Thus, Shri Saxena has contended that the Holiday Home which was initially started from the Staff Benefit Fund is part and partial of railway administration because as per the rules, the General Manager and Divisional Personnel Officer are in control of the Holiday Home and they are the ultimate final officers who can conduct the Staff Benefit Fund. Shri Saxena has contended that it is not true that Shri Sethi was not a railway employee.

26. Shri T. R. Mishra for the workman contended before me that Shri Sethi was working as Janitor at Holiday Home, Mount Abu from 9-4-80 to 17-9-81; that Shri Sethi was relieved by Ex. 12 dtd. 17-9-81. Ex. 12 has been signed by Inspector, Western Railway, Abu Road. That Shri Sethi has worked continuously from 9-4-80 to 17-9-81 and he has completed 437 days of his work. When he was relieved from his service he was not given notice pay nor retrenchment compensation as provided in Sec. 25F of the I.D. Act. So, there is a breach of Sec. 25F & 25G of the I.D. Act, 1947. Shri Mishra has cited a case law as published 1987 55 FLR page 842 and 1988 56 FLR page 121. Shri Mishra has also drawn my attention to the Railway Establishment Manual wherein there is provision for Holiday Home in Section C. As per Rule 2219 Holiday Home have been established as a measure of amenity to staff. As per Rule 2220, the broad principles which Railway Administrations should follow in the setting up and running of Holiday Homes for non gazetted staff are as follows. Railway administrations are authorised to incur outlay in this connection not exceeding Rs. 50,000 for each railway as a whole in a year, or if a building is hired to incur recurring charges not exceeding Rs. 150 per month as rent in such case. The terms of the hire should be such as not to involve the Railway in long-term or indefinite liability beyond one or two years on each occasion. The incurrance of expenditure, etc. will be subject to the usual rules regarding prior financial consentance. There is no objection to the Railway having Holiday Home for its staff at a place outside its jurisdiction but the Holiday Home will be in charge of the Railway that serves the area. As per Rule 2221, the use of Holiday Homes set up by a particular Railway may be allowed to the staff of the Indian Railways, provided it is possible to do after meeting the demands from the staff of the Indian Railway. As per Rule 2223 staff who are allowed accommodation in a Holiday Home should not be refused leave except in very emergent cases. As per Rule

2225, a proforma account should be maintained to judge the financial implications of the scheme and an annual statement showing the non recurring outlay as well as the running expenditure and income from the Holiday Homes should be furnished by each Railway to the Railway Board as soon as the year's accounts are closed. Thus, Shri Mishra has contended that as per the Indian Railway Establishment Manual Vol. II as per Section-C wherein there is provision Holiday Homes, Holiday Homes are the part and partial of the Railway administration and the employees working in the Holiday Homes are railway employees. Shri Sethi was not paid notice pay and retrenchment compensation. There is a breach of Sec. 25F of the I.D. Act. Shri Sethi should be directed to be reinstated on his original post with continuity of service by awarding full back wages for the intervening period.

27. Shri H. B. Shah for the first party—Railway has contended that Shri Sethi was appointed as Janitor by the Railway Staff Benefit Committee. He was an employee of the Railway Staff Benefit Committee and he was not an employee of the Railway. His appointment was made by the Secretary Staff Benefit Committee. This reference against the Western Railways is not maintainable under the law because there is no relationship of master and servant between the first party and second party—workman. At Ex. 12, the concerned workman has stated that he having no knowledge as to whether the post of Janitor was sanctioned or not, that the Railway had taken over possession of the Holiday Home from 17-9-84 and as A.I.W. was posted, thereafter Shri Sethi was relieved. In Railway there are no fixed wages for each and every category or post. There is a pay scale which is a running pay scale. Appointment in Railway requires formality of interview by Selection Committee otherwise appointment is illegal. Shri Sethi had applied for engaging him as a casual labour so he cannot claim as Janitor on the principles of estoppel and waiver. There were no posts of Janitor at Holiday Home, Mount Abu. After 17-9-81 the sanctioning authority had sanctioned only 3 posts 1. A.I.W.—Pay scale 425-700, 2. Hamed 196-232 and 3. Safaivala pay scale 196-232. Railway started Holiday Homes on 17-9-81 and prior to that Holiday Home was being run by the Railway Staff Committee. That the appointment of Shri Sethi was not legal and so he is not entitled to raise any grievance against his termination. His appointment was contrary to the rules outside cadre. Railway Board has no authority to create any non cadre post in support of his argument, Shri Shah has cited the case law mentioned hereunder. 1. 1980, SCC, Vol. III, page 245 Katyani Dayal & others v. Union of India & others. Continuation of non cadre post. It cannot be made a cadre post. It cannot be treated as regular appointment. 2. 1979, II LLJ, page 371, Jashwantshing, vs. Union of India. He cannot claim as an employee of Railway. So this reference is not legally tenable and this reference be dismissed.

28. Shri Sethi was relieved by the order produced at Ex. 12. His order was issued by I.O.W., Abu Road. If Sethi was appointed by the Staff Benefit Committee and the Holiday Home was not taken over by Railway Admin. then what was the necessity of issuing Ex. 12 by Inspector of Works, Abu Road, who is a Railway Officer. As per the Railway Staff Benefit Fund as per Rule 1201 Railway Staff Benefit Fund shall be maintained for each Indian Railway. As per Rule 1202—Management of the fund. The fund shall be managed by a Committee at the headquarters of the Railway presided over by the Chief personnel Officer. As per Rule 1207 expenditure from the Fund—Subject to the general supervision of the General Manager, all expenditure from the Staff Benefit Fund shall be authorised by the Committee or by a Sub-Committee duly appointed under the provisions of Rule 1203. As per Rule 1208—Objects of the fund. The Committee shall have power to spend money from the fund on the following objects i.e. recreation and amusement for the staff and their children. As per the provisions of the Indian Railway Establishment Manual, Vol. II as per section-C Holiday Homes and as per Rule 2219 Holiday Homes have been established as a measure of amenity to staff. Rule 2220 the broad principles which Railway Administrations should follow in the setting up and running of Holiday Homes for non-gazetted staff are as follows. Railway administrations are authorised to incur outlay in this connection not exceeding Rs. 50,000 for each Railway as a whole in a

year. Running expenses, viz. providing a chowkidar-cum-mali and/or a Janitor according to the needs of each case, electricity charges, etc. may be incurred and provided for in the revenue budget. The approval of the Railway Board will be necessary to the location of a Holiday Home and when the expenditure is to exceed the limits referred to in subparagraph (i) above. As per Rule 2221—The use of Holiday Homes set up by a particular Railway may be allowed to the staff of the Indian Railways and as per Rule 2225—a proforma account should be maintained to judge the financial implications of the scheme and an annual statement showing the non recurring outlay as well as running expenditure and income from the Holiday Homes should be furnished by each Railway to the Railway Board as soon as the year's accounts are closed. Thus, in view of the above provisions regarding Holiday Home, I come to the conclusion that Shri Sethi was appointed at Holiday Home at Mount Abu. There was relationship of master and servant between the Railway Administration and Shri Sethi as per Ex. 11, Shri Sethi was appointed from 8-4-80 and as per the appointment order Ex. 11 that order was valid upto 30-6-80 but Shri Sethi was continued in his service upto 17-9-81 Staff Benefit Committee had not issued any other order regarding the appointment of Shri Sethi. The Relieving Order Ex. 12 issued by Inspector of works, Western Railway, Abu Road. It is a fact that Shri Sethi continuously worked from 8-4-80 to 17-9-81. Shri Sethi has completed 527 of working days. Thus he has worked more than 240 days in a year. So, as per the provisions of Sec. 25F, Shri Sethi was entitled to notice or in lieu of notice pay and retrenchment compensation. Shri Sethi was neither given notice or notice pay nor retrenchment compensation and termination of Shri Sethi was quite illegal and improper. The witness who has been examined by the Railway is at Ex. 22. Shri Maheshchandra Naginlal had no personal knowledge about the factual aspect regarding employment of Shri Sethi. In his cross examination, the witness has stated that he had no personal knowledge regarding this case. The Railway Holiday Home is for the Railway Staff and not for outsider. The building of the Railway Holiday Home was initially purchased by the Committee but at present it is in the possession of the Railway. The Committee was resolved and the possession of the Holiday Home was taken over by the Railway. He does not know whether the other staff members had continued in service of Railway. As per his knowledge when possession of the Holiday Home was taken over by Railway Holiday Home was closed. At that time repairing work was going on and Holiday Home was closed. Senior Officers of Railway are members of the Committee. After the possession of the Holiday Home was taken over by the Railway Asstt. Executive Engineer were in charge of the Holiday Home. Before 1-4-81 the aforesaid two officers were not in charge of the Holiday Home. The certificate issued which was not in charge of the Holiday Home. The certificate issued which was given to Shri Sethi dated 10-2-81 was given by the Asstt. Engineer. In January, 1981 for more Holiday Homes the Railway had created three posts. Thus the Railway has not explained as to why the services of Shri Sethi was terminated. As per the case law decided by the Supreme Court in State Bank of India v. Suderman the termination of the workman for any other reason whatsoever if retrenchment compensation and notice pay is not paid then termination becomes illegal and ab initio void. In the written statement Ex. 5, the Railway has mentioned at page 7 that the Inspector of Works, Abu Road has been advised to engaged Shri Sethi as casual labour and also gave him seniority from 1-4-81. But, in fact, Inspector of Works, Abu Road had not given any such order to Shri Sethi. Shri Sethi had applied for work as substitute, but the Railway administration did not take any decision upto June, 1982 and so the Railway Karmachari Parishad had filed an application before the Regional Labour Commissioner, Central for conciliation. Shri Sethi was not offered any employment for a long period up to June, 1982 and thereafter also he was not given any order or any alternative employment. As per the provisions of Railway Staff Benefit Fund Holiday Home and as per the Indian Railway Establishment Manual Vol. II, I come to the conclusion that Shri Sethi was a servant of Railway and his termination is not legal and proper and so Shri Sethi is entitled to be reinstated on his original post with continuity of service by awarding him full back wages. The Railway has not explained as to why A.I.O.W. was appointed and

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Shri Sethi was relieved. when Shri Sethi had completed work of 527 days in Railway Administration as per the principles of natural justice his case was required to be considered very sympathetically, but the Railway Adm. could not take any decision and so this reference has been referred to this Tribunal for adjudication and as per the facts as stated before me, I am of the view that the termination of Shri Sethi is quite illegal and improper. The case laws cited in Shri H.B. Shah, are not official to the fact of this case as there is provision of Holiday Home in Indian Railway Establishment Manual Vol. II. In view of the above observations, I pass the following order :

ORDER

This reference is allowed and termination of Shri Sethi is set aside and I direct the Railway Administration to reinstate Shri Sethi on his original post with continuity of service by awarding him full back wages for the intervening period. I also direct the Railway Adm. to pay Rs. 1,000/- to Shri Sethi by way of costs. This award to be effective from the date on which this award is published by the Central Govt.

A. B. PATEL, Presiding Officer

Sd/- (Illegible).

Secretary

Ahmedabad, 9th November, 1992.

नई दिल्ली, 2 दिसम्बर, 1992

का. प्र. 3115 :- औद्योगिक बिंबाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा. श्री. सेठ मूलचन्द नेमी चन्द (प्राई.) लिमिटेड मण्डल के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक बिंबाद में औद्योगिक अधिकरण, जयपुर के पंचपट का प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-92 को प्राप्त हुआ था।

[संख्या एल-28011/4/87-डी III (बी)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd December, 1992

S.O. 3115.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of R. B. Sethi, Mool Chand, Nemi Chand (P) Ltd. Mandal and their workmen, which was received by the Central Government on the 19-11-92.

[No. L-28011/4/87-D.III(B)]

B. M. DAVID, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

देस सं. सी. आई. टी. 12/88

रेकॉर्ड : भारत सरकार, श्रम मंत्रालय नई दिल्ली का प्रादेश क्रमांक

एल. 28011/4/87-डी-III (बी) दिनांक 19-11-88

राजस्थान खनिज मंडल, युनिशन, सीलवाड़ा।

—प्राची

बनाम

नैसर्गिक धार. श्री. सेठ मूलचन्द नेमीचन्द (प्राईवेट) लि. मण्डल, सीलवाड़ा।

—अप्राची

उपस्थित

समझौता परिपत्र

माननीय न्यायाधीश श्री जगत सिंह जी, द्वार. एवं. जे. एस.
 प्रार्थी की ओर से : श्री जे. एस. शाह
 अप्रार्थी की ओर से : श्री द्वार. के. काला
 दिनांक प्रवाह : 13-7-1992

मध्य

राजस्थान खनिज मजदूर यूनियन धौलवाड़ा,
 द्वारा श्री नन्दलाल वर्मा, महाप्रति

एवं

प्रवाह

प्रबन्धक, मंसस द्वार. बी. सेठ मूलबन्ध नेगीबन्ध प्रा. लि., मांडल
 जिला धौलवाड़ा, द्वारा श्री बिमलचन्द जैन, निदेशक।

जो कि केन्द्र सरकार ने औद्योगिक विवाद बाबत 18 श्रमिक जिनके
 नाम नीचे दिये गए हैं :-

श्री जे. एस. शाह एवं श्री द्वार. के. काला पक्षकारान् के प्रति-
 निधिगण की प्रार्थना पर मिगल प्राज पेश हुई। श्री नन्दलाल वर्मा महा-
 मंत्री मै०, श्री जे. एस. शाह यूनियन की ओर से तथा श्री बिमल
 कुमार जैन मय उनके प्रतिनिधि श्री द्वार. के. काला विपक्षी की ओर
 के उपस्थित हैं। पक्षकारान् के प्रतिनिधिगण ने प्राज एक बचती समझौता
 पेश किया जो तस्दीक किया गया। पक्षकारों के प्रतिनिधिगण की प्रार्थना
 पर समझौते के आधार पर इस प्रकरण में प्रवाह पारित किया जाता
 है। समझौता प्रवाह का अंग रहेगा। प्रवाह की प्रति केन्द्र सरकार को
 प्रकाशनार्थ नियमानुसार भेजी जावे।

जगत सिंह, पीठासीन अधिकारी

समझ माननीय केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर
 भाव संख्या सी. आई. टी. 12/88

राजस्थान खनिज मजदूर यूनियन, धौलवाड़ा

बनाम

मंसस द्वार. बी. सेठ मूलबन्ध नेमीबन्ध प्राइवेट लि.,
 मण्डल, जिला धौलवाड़ा

समझौता-पत्र

मान्यवर,

विवाद उपरोक्त में पक्षकारान की ओर से निम्न प्रार्थना पत्र प्रस्तुत है।

1. यह कि विवाद उपरोक्त में पक्षकारान के मध्य आपसी समझौता
 हो चुका है। विवाद से सम्बन्धित कुल 18 श्रमिकों, जिनके नाम राज-
 स्थान खनिज मजदूर यूनियन धौलवाड़ा द्वारा प्रस्तुत स्टेटमेंट आफ
 क्लेम में दिये जा चुके हैं, में से 13 श्रमिक सर्वश्री 1. धीरालाल, पुत्र
 लालू 2. देवी सिंह पुत्र नारायण सिंह, 3. मन्द सिंह पुत्र समुद्र सिंह,
 4. भैरवलाल पुत्र बंशीलाल 5. बन्नीलाल पुत्र काशी 6. बंशी पुत्र जैठमल
 7. पन्नालाल पुत्र भोमूलाल 8. रघुबीर सिंह पुत्र मानसिंह 9. डालू पुत्र
 गिरधारी 10. नाथू पुत्र मोती 11. हनुमान सिंह पुत्र उम्मेव सिंह 12.
 बंशी दास पुत्र गंगा दास 13. जगर सिंह पुत्र राम सिंह के मध्य
 अब समझौता सम्पन्न हुआ है तथा सर्वश्री 1. भीसू पुत्र भूरा 2. जगदीश
 पुत्र बंशीलाल 3. मेधा पुत्र पन्ना 4. जमनालाल पुत्र भैरवलाल और 5.
 शिव पुत्र भीसू सिंह ने पूर्व में ही ही अपना समझौता कर लिया था।
 उन्होंने अपना संपूर्ण हिसाब लेकर विपक्षी के साथ समझौता करके अपनी
 पुर्तिनियुक्ति के अधिकार को समाप्त कर लिया था।

2. यह कि अब सभी श्रमिकों के मध्य कोई विवाद शेष नहीं रहा
 है। 13 श्रमिकों के साथ जो समझौता हुआ है वह इस प्रार्थना पत्र के साथ
 संलग्न है।

घट: प्रार्थना पत्र प्रस्तुत कर निवेदन है कि विवाद उपरोक्त में
 समझौते की शर्तों के अनुरूप प्रवाह पारित किया जावे।

हस्ताक्षर श्रमिक पक्ष—

(नन्दलाल वर्मा),

महाप्रति,

राजस्थान खनिज मजदूर यूनियन,
 धौलवाड़ा

हस्ताक्षर नियोजक पक्ष —

(बिमल कुमार जैन),

निदेशक,

मंसस द्वार. बी. सेठ मूलबन्ध
 नेमीबन्ध प्रा. लि. मांडल, जिला
 धौलवाड़ा

दिनांक जुलाई, 1992

1. बदरीलाल पुत्र लालू
2. देवीसिंह पुत्र नारायण सिंह
3. मन्द सिंह पुत्र समुद्र सिंह
4. भैरवलाल पुत्र बंशीलाल
5. बदरीलाल पुत्र काशी
6. बंशीलाल पुत्र जैठ मल
7. पन्नालाल पुत्र भोमूलाल
8. रघुबीर सिंह पुत्र मानसिंह
9. डालू पुत्र गिरधारी
10. नाथू पुत्र मोती
11. हनुमान सिंह पुत्र उम्मेव सिंह
12. बंशी दास पुत्र गंगा दास
13. जगर सिंह पुत्र राम सिंह
14. भीसू पुत्र भूरा
15. जगदीश पुत्र बंशीलाल
16. मेधा पुत्र पन्ना
17. जमनालाल पुत्र भैरवलाल
18. शिव पुत्र भीसू सिंह

केन्द्रीय औद्योगिक न्यायाधिकरण जयपुर के समझ न्यायिक निर्णय
 हेतु प्रस्तुत किया है। उक्त विवाद की राजस्थान खनिज मजदूर यूनियन
 धौलवाड़ा के द्वारा विरुद्ध मंसस द्वार. बी. सेठ मूलबन्ध नेमीबन्ध
 प्राइवेट लिमिटेड, मांडल, जिला धौलवाड़ा उठाया है।

2. यह कि यूनियन ने उपरोक्त 18 श्रमिकों की सेवा गुक्ति को
 चुनौती देते हुए केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर से श्रमिकों
 की वेतन वसतों सहित पुर्तिनियुक्ति का मांग की है।

3. यह कि अब दोनों पक्षकारान के मध्य आपसी समझौता हो चुका
 है और समझौते के अनुसार निर्णय लिया गया है कि श्रमिकों की नियुक्ति
 उनकी कार्य अवधि, उनका वेतन, रीगुलरी, अवकाश वेतन एवं सेवा गुक्ति
 का बाबत इसके बदे प्रत्येक श्रमिक को एक-एक वर्ष के वेतन के बराबर
 मुघावजा राशि देने का निर्णय किया है। जो संलग्न चाटे प्रवर्ष "अ" के
 अनुसार है जिसके अनुसार 13 श्रमिकों जिनके नाम संलग्न चाटे "अ"
 में दर्शाए गए हैं को कुल राशि 34,455 रुपये का भुगतान किया जा
 चुका है और इस राशि के भुगतान के आधार पर कोई भी श्रमिक अब
 अपनी पुर्तिनियुक्ति अवकाश अन्य किसी तरह के मुघावजे या कोई और
 राशि प्राप्त करने के अधिकारों नहीं है और इस समझौते के आधार पर
 न्यायालय श्रमिकों से किसी प्रकार का भी कोई अनुतोष नहीं चाहते हैं।
 यूनियन इस समझौते के आधार पर जो डिस्टुट प्रवाह भयना समझौते
 के अनुरूप न्यायालय श्रमिकों से प्रवाह करवा कर विवाद समाप्त करवा
 लेगे। दोनों पक्षकारान मिलकर केन्द्रीय औद्योगिक न्यायाधिकरण के समझ
 विवाद समाप्त कराने हेतु प्रार्थना पत्र प्रस्तुत कर देंगे।

4. यह कि इस समझौते के आधार पर अब किसी प्रकार का कोई
 विवाद मंसस द्वार. बी. सेठ मूलबन्ध नेमीबन्ध प्रा. लि. मांडल एवं कर्म-

चारों एवं पुनियन के मध्य शेष नहीं रहेगा और वाय मंज्या संभाईती 12/88 विचार नहीं रहेगा।

समझौता पत्र प्रस्तुत कर अवाई न्यायालय श्रीमान् से प्राप्त किया जायेगा।

5. यह कि अन्य 5 श्रमिक सर्वेक्षा धीसू पुत्र भूरा 2. जगदीश पुत्र बंशीलाल 3. गोधा पुत्र पन्ना 4. जमालाल पुत्र मोहन लाल और शिव पुत्र धीसू सिंह के विवाद पूर्व में तय हो चुके हैं। उन्होंने अपना समझौता पहले ही कर लिया है। अतः उनके सम्बन्ध में मोनोडिस्पुट प्रवाह का मार्ग का जायेगी। उनका मो किता तरह का कोई विवाद गैसर्स धार बा सेट मूलबन्ध मेनीचन्ध प्रा० लि० मॉडल से नहीं रहेगा।

ह/- नियोजक प्रतिनिधि--
(विमल कुमार जैन)
निदेशक,

ह/ श्रमिक प्रतिनिधि--
(नवलाल वर्मा),
महामंत्री

मे धार बा सेट मूलबन्ध मेनीचन्ध प्रा० लि०, मॉडल, जिला सोलवाड़ा।

राजस्थान खनिज मजदूर पुनियन
भीलवाड़ा।

दिनांक जुलाई 1992

प्रदर्शक

अध्य प्रा. लि. मॉडल, जिला भीलवाड़ा (राजस्थान)

लूहाड़िया बंजारी खान

प्रकरण संख्या सी : आई.टी. 12/1988

क्रमांक	नाम व पिता का नाम	नियुक्ति तारीख	दैनिक वेतन	ग्रेजुटी
1.	श्री देवी सिंह पुत्र श्री नारायण सिंह	2-7-79	18.25	2190
2.	श्री नन्ध सिंह पुत्र समुद्र सिंह	4-9-85	12.25	---
3.	श्री मोहन लाल पुत्र बंसी लाल	21-7-82	18.25	1368.75
4.	श्री बंसी लाल पुत्र धीसा लाल	17-10-84	18.25	---
5.	श्री बंसी पुत्र जेठमल	7-5-84	18.25	---
6.	श्री पन्ना लाल पुत्र धीसू लाल	1-9-85	18.25	---
7.	श्री रघुबीर सिंह पुत्र मानसिंह	10-9-83	18.25	---
8.	श्री डालू पुत्र गिरधारी	1-6-84	18.25	---
9.	नाथू पुत्र मोती	1-10-79	18.25	2190
10.	श्री हनुमान सिंह पुत्र उम्मेद सिंह	1-12-84	14.75	---
11.	श्री बंसी दास पुत्र गंगा दास	4-12-84	14.75	---
12.	श्री बंजर सिंह पुत्र राम सिंह	1-6-85	14.75	---
13.	श्री बंसी लाल पुत्र लालू	5-1-82	18.25	1368.75
योग				7117.50

प्रकाश	बोनस	सितम्बर का वेतन	योग	समझौतानुसार 12 मास का वेतन	योग
292	231.15	336	3049.15	5694	8743.15
235.75	154.10	219.80	609.65	3822	4431.65
292	231.15	336	2227.90	5694	7921.90
182.50	163.25	235.50	581.25	5694	6275.25
383.25	229.60	336	948.85	5694	6842.85
200.75	191.60	202	594.35	5694	2288.35
237.25	223.55	336	786.80	5694	6490.80
219	214.40	302.50	735.90	5694	6429.90
219	178.20	336	2923.20	5694	8817.20
177	138.90	271	586.90	4602	5188.90
147	138.90	271	556.90	4602	5158.90
339.25	186.80	271	797.05	4602	5399.05
237.25	231.15	336	2173.15	5694	7867.15
3162	2512.75	3788.80	16581.05	68874	85455.05

ह/- अस्पष्ट

ह. नन्द लाल वर्मा

का.प्रा. 3116:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान स्टेट टंगस्टन डवलपमेंट कारपोरेशन लि. डेगाना के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचाट की प्रस्तावित करती है, जो केन्द्रीय सरकार की 19-11-92 की प्राप्त हुआ था।

[सं. एन-29011/24/90 आई.आर. (मिस्स)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th December, 1992

S.O. 3116.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Jaipur as shown in the Annexes in relation to the management of Rajasthan State Tungsten Development Corpn. Ltd. Degana and their workmen, which was received by the Central Government on the 19-11-92.

[No. L-29011/24/90 IR(Miscs)]

B. M. DAVID, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

फैस सं० सी० आई० टी० 58/1990

रैफरेंस : भारत सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एन. 29011/24/90आई.आर. (विभिन्न) दिनांक 20-8-90 अध्यक्ष, टंगस्टन आईएस, मजदूर संघ, डेगाना।

—प्राथी

प्रमाण

प्रोजेक्ट मैनेजर, राजस्थान स्टेट टंगस्टन डवलपमेंट कारपोरेशन लि. डेगाना।

—प्रप्राथी

उपस्थित

माननीय न्यायाधीश श्री शंकर लाल जैन, द्वार.एच.जे.एम.

प्राथी की ओर से : श्री मोहन सिंह राठौर
प्रप्राथी की ओर से : श्री जी.एल. माथर
दिनांक : 24 सितम्बर, 1992

प्रवाद

श्री मोहनसिंह राठौर के प्रार्थना पत्र पर मिलल आज पेरा हुई। श्री मोहन सिंह राठौर यूनियन की ओर से उपस्थित हैं। श्री राठौर व यूनियन के प्रतिनिधि श्री एम.एफ. बेग ने दिनांक 12-8-92 की एक प्रार्थना पत्र इस आशय का प्रस्तुत किया है कि इस प्रकरण में यूनियन अब कोई कार्यवाही नहीं करना चाहते इसलिए नो डिस्प्यूट भवार्थ पारित किया जाये। बिपक्षी की ओर से श्री जी.एल. माथर हाजिर आये, उन्होंने इस प्रार्थना पत्र पर कोई आपत्ति नहीं है। अतः यूनियन का प्रार्थना पत्र स्वीकार किया जाता है और इस प्रकरण में "नो डिस्प्यूट प्रवाद" पारित किया जाता है जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जाये।

शंकर लाल जैन, पीठासीन अधिकारी

नई दिल्ली, 26 नवम्बर, 1992

का.प्रा. 3117:— कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-12-92 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 धारा-44 और

45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है और अध्याय-5 और 6 (धारा-76 के उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उक्त अध्याय प्रदेश राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :-

"गुन्टर की नगर पालिका सीमाओं के अन्तर्गत आने वाले क्षेत्र, उन क्षेत्रों के अतिरिक्त जहाँ उक्त प्रावधान पहले ही प्रवृत्त किये जा चुके हैं।"

[संख्या-एस-38013/19/92-एस. एस.-I]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 26th November, 1992

S.O. 3117.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st December, 1992 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

"The areas comprising of the Municipal limits of Guntur in addition to the areas in which the said provision of the Act have already been brought into force."

[No. S-38013/19/92-SS-II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 2 दिसम्बर, 1992

का.प्रा. 3118:—प्रतः सैसम ऊषा रैकटी फायर कारपोरेशन प्राक इंडिया लिमिटेड (इसके आगे जहाँ कहीं भी उक्त स्थापना शब्द का प्रयोग हो उससे अभिप्राय उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट को धारा 17 की उपधारा (i) के खंड (क) के अन्तर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंगदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंगदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम से है) में उल्लिखित नामों से किसी भी प्रकार से कम नहीं है जो एन.बी. की स्थापनाओं में कार्यरत कर्मचारियों को उपलब्ध हैं।

अब इसलिए उक्त अधिनियम की धारा 17 की उपधारा एक के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इनके द्वारा उक्त स्थापना को उक्त स्कीम की सभी उपबन्धों के लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से संबंधित निरीक्षण केन्द्र सरकार के द्वारा समय-समय पर किए गए निरीक्षण के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) की (क) में उल्लिखित परीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रसार की आवश्यकता प्रतीत नास की समाप्ति के 15 दिन के अन्तर करेगा।

2. न छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उनके अधीन प्रेषित उक्त स्कीम के अंतर्गत देय अंशदान की दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान की दर किसी समान की कम न होगी।

3. पेशियों के मामले में छूट प्राप्त स्थापना को स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन क्षेत्रीय भविष्य निधि प्रायुक्त की पूर्ण अनुमति के बिना नहीं किया जाएगा और जहां किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिष्ठित प्रभावी होने की संभावना है वहां अपने अनुमति देने से पूर्व, क्षेत्रीय भविष्य निधि प्रायुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी (जो उक्त अधिनियम की धारा 2 (च) में निर्दिष्ट किया गया है) जो सदस्य बनने के पात्र होते, सदस्य बनाए जाएंगे।

6. जहां एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट प्राप्त स्थापना का पहले से सदस्य है, जो अपनी स्थापना में काम पर लगाया जाता है तो नियोजता उसे निधि का तुल्य सदस्य बनाए और ऐसे कर्मचारी के पिछले नियोजता के पास भविष्य निधि लेख में संघों की अंतरित करने और उक्त क्षेत्र में जाता करने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि प्रायुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय-समय पर दिए गए निर्देशों के अनुसार भविष्य निधि के प्रबंध के लिए नियोजता न्यासी बोर्ड का स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निर्दिष्ट होगा या अन्य बातों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा में शेष के लिए कर्मचारी भविष्य निधि संलग्न के उत्तरदायी होगा।

9. न्यासी बोर्ड कम से कम 3 मास में एक बार बैठक करेगा और केन्द्र सरकार द्वारा समय-समय पर जारी किए गए सभी निर्देशों के अनुसार कार्य करेगा। केन्द्रीय भविष्य निधि प्रायुक्त को अधिकार होगा कि यह किसी अन्य योग्य लेखा परीक्षक से खातों की दुबारा परीक्षा लेखा कराए और ऐसे पुनः लेखा परीक्षा के खर्च नियोजता वहन करेगा।

10. न्यासी बोर्ड द्वारा रखे गए भविष्य निधि लेख अर्हता प्राप्त निष्ठा चार्टर्ड अकाउंटेंट द्वारा वार्षिक लेखा परीक्षा के अध्वक्षक होंगे। जहां आवश्यक समझा जाए, केन्द्रीय भविष्य निधि प्रायुक्त की किसी अन्य अर्हता प्राप्त लेखा परीक्षा द्वारा लेखों की पुनः लेखा परीक्षा करने का अधिकार होगा और इस पर हुमा योग्य नियोजता द्वारा वहन किया जाएगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुल्य पत्र के साथ लेखा परीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्तर क्षेत्रीय भविष्य निधि प्रायुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोजता प्रति मास भविष्य निधि के देय अपने कर्मचारियों के अंशदानों को आयामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोजता मुनशानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न छूट प्राप्त स्थापना उत्तरदायी होती है।

13. न्यासी बोर्ड द्वारा समय-समय पर दिए गए निर्देशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियां न्यासी बोर्ड के नाम पर प्राप्त की जाएंगी और भारतीय रिजर्व बैंक के जमा निवन्धन में गतसूचि बैंक की अभिरक्षा में रखा जाएगा।

14. सरकार के निर्देशों के अनुसार निवेश करने पर न्यासी बोर्ड आय-प्रत्येक रूप से और एक साथ केन्द्रीय भविष्य निधि प्रायुक्त या उसके प्रतिनिधियों द्वारा खर्च गए अधिक्त प्रमाण का उत्तरदायी होगा।

15. न्यासी बोर्ड एक वस्तु व्योरा रजिस्टर तैयार करेगा और ब्याज और विभोजन आदि जो समय पर वसुली सुनिश्चित करेगा।

16. जमा किए गए निशाना, निशाने का और प्रत्येक कर्मचारी से संबंधित ब्याज की दिखाने के लिए न्यासी बोर्ड विस्तृत लेख तैयार करेगा।

17. वित्तीय वर्ष की समाप्ति के छः माह के अन्तर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पान बुक जारी कर सकता है। ये पान बुक कर्मचारियों की अभिरक्षा में रहनी और कर्मचारियों के प्रस्तुतकरण पर बोर्ड के द्वारा इन्हें अद्यतन किया जाएगा।

19. लेखा वर्ष के पहले दिवस यात्रा में पर प्रत्येक कर्मचारी के क्षेत्र में ब्याज उक्त दर से जमा किया जाएगा जिसका ब्याज बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा अधिकृत दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा अधिकृत ब्याज की दर का कारण से कि निवेश पर आय कम है या किसी अन्य कारण से प्राप्त करने में असमर्थ है तो इन कमी को निवारण पूरा करेगा।

21. नियोजता भविष्य निधि की खोरी के कारण, लूटछोट, ध्यान, गबन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोजता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि प्रायुक्त को ऐसी विवरणियां प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार केन्द्रीय भविष्य निधि प्रायुक्त निर्धारित करे।

23. उक्त स्कीम के पैरा 69 की शर्तों पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोजताओं के अंशदानों की जमा करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार अक्षत की गई राशियों का अक्षत से लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि प्रायुक्त की पूर्ण अनुमति से सुनिश्चित किया गया है।

24. स्थापना के भविष्य निधि नियमों में निर्दिष्ट किसी बात के होते हुए भी यदि किसी व्यक्ति का सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सदस्यता समाप्त हो जाती है यह पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अंशदान की दर समायोजन की दर आदि संशोधित योजना के अन्तर्गत दी गई दरों की तुलना में कम अनुमान है तो अक्षत का वहन नियोजता द्वारा किया जाएगा।

25. नियोजता, भविष्य निधि के प्रयासन से संबंधित सभी खर्च जिसमें लेखों के रखरखाव रिटर्न प्रस्तुत किए जाने, राशियों का अक्षत शामिल है, वहन करेगा।

26. नियोजता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होगा, उसकी मुद्रा बातों को कर्मचारियों के वसुली की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना को जालू छूट पर और शर्तें लगा सकती है।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना वर्ग जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ा दी जाती है, नियोजता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अंतर्गत दिए जाने वाले नामों में स्थापना की स्कीम के अन्तर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[वै. एन - 35013/12/92 - एन. एन. - II]

जे. पी. गुप्ता, अवर सचिव

New Delhi, the 2nd December, 1992

S.O. 3118.—Whereas Messrs Usha Rectifier Corporation (India) Limited, 12/1 Delhi Mathura Road Faridabad (Haryana) (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 the employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rules of the Provident Fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees as defined in section 2 of the said Act who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a members of the Employees Provident Fund (Statutory) or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall

immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the Provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustee who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or and officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified—Independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script wise register and ensure timely realisation of interest and redemption proceeds.

16. The Board Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial/accounting year.

18. The Board may, instead of the annual statement of accounts, issue Pass books to every employee. These pass book shall remain in the custody of the employee and will be brought upto date by the Board on presentation by the employee.

19. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft burglary, defalcation, mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government [Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain separate account on the amounts so forfeited and may utilise the same for such purpose be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding any thing contained in the Provident Fund Rules of the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution rate of forfeiture etc. under the P.F. Rule of the establishment are less favourable as compared to these under the statutory Scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employees shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S. 35015/12/92.SS-II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 2 दिसम्बर, 1992

का. प्रा. 3119.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना आवश्यक था, औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. प्रा. 1646 दिनांक 25 मई, 1992 द्वारा लौह श्रमिक खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 8 जून, 1992 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के परस्पर द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 8 दिसम्बर, 1992 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस - 11017/12/85 - डी - 1 (ए)]

एस. एस. पराशर, प्रकर सचिव

New Delhi, the 2nd December, 1992

S.O. 3119.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1646 dated the 25th May, 1992 the iron ore mining industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 8th June, 1992;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 8th December, 1992.

[No. S-11017/12/85-D.I(A)]

S. S. PRASHER, Under Secy.

